

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.19027 of 2010

and

M.P.Nos.1 & 2 of 2010 & 1 of 2011

R.P. Sarathy,
Managing Trustee of Sree Mahalakshmi Ammal Trust,
represented by his Power of Attorney,
Mr. G. Prabakaran,
No.1/66, Rangammapet Street,
Pappyreddypatty Post & Taluk,
Dharmapuri District Petitioner

Vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai -5
2. The District Revenue Officer,
Dharmapuri District, Dharmapuri.
3. The Tahsildar,
Pappyreddypatty,
Dharmapuri District. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the third respondent, bearing Ref.No.Na.Ka.No.12934/2000(B3) dated 08.04.2010 and quash the same and consequently direct the first respondent to fix the fair rent for the 'Sreemathi Mahalakshmi Kalyana Mandapam' situated at S.No.1/142/12, No.13 & 14 admeasuring a total extent of 37 cents in Kozhi Mekhanur Village, Pappyreddypattu Taluk, Dharmapuri District, in accordance with the appeal filed by the petitioner dated 09.01.2009.

For Petitioner : Mr. Saikrishnan,
for M/s. Sai & Bharath

For Respondents : Mr. I. Sathish,
Addl. Gov. Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent/Tahsildar, directing the petitioner to pay the lease amount at the rate of Rs.20,798/- from the year 1999 to 2002 and of Rs.31,150/- from the year 2002 to 2005 and Rs.76,839/- for the period 2005 to 2008.

2. According to the petitioner, an extent of 0.11.5 Hecters of land, in Survey Nos.142/12, 13 & 14 at Kozhi Mekhanur Village, Pappyreddypatty Taluk, Dharmapuri District, was leased out to the petitioner at the rate of 1599.50/- per annum in the year 1988. Thereafter, the petitioner had put up a Kalyana Mandapam in the above leasehold property, and the lease amount has been periodically enhanced and the petitioner has also paid the lease amount. Thereafter, for revising the lease amount from the year 1999 to 2008, a proposal has been sent to the first respondent / Commissioner of Land Administration. But no order has been passed on the said proposal. Now pending finalization of revision of lease amount, the third respondent Tahsildar passed the impugned order directing the petitioner to pay the lease amount as mentioned above. Challenging the above order, the present writ petition has been filed on the ground that until the first respondent/ Commissioner pass suitable orders revising the lease amount, the third respondent/ Tahsildar has no power to revise the lease amount.

3. The learned counsel for the petitioner would submit that even though the proposal was sent as early as 2010, till date the first respondent has not passed any orders on the revision of lease amount. The petitioner is also willing to pay the revised lease amount at the rate of Rs.20,798/- and he has also paid the entire arrears as on today. The payment of the lease amount is also not disputed by the learned counsel appearing for the respondent.

4. The learned counsel for the respondent, on instructions, would submit that the proposal for revision of lease amount is still pending with the first respondent/Commissioner of Land Administration and so far no order has been passed.

5. I have considered the submissions made on either side and perused the materials available on records.

6. Considering the fact that the proposal for revising the lease amount is pending with the first respondent, and the petitioner has also paid the entire arrears at the rate of Rs.20,798/- as fixed by the Tahsildar for the period of 1999 to 2002, this court is of the view that, it is suffice to direct

the first respondent to consider the proposal sent by the Tahsildar for revision of the lease amount and the first respondent is directed to consider the proposal sent by the Tahsildar for revision of the lease amount within a period of eight weeks, from the date of receipt of a copy of this order, after giving opportunity to the petitioner. Till the final order pass by the first respondent/Commissioner of Land Administration, the petitioner is directed to pay the lease amount at the rate of Rs.20,798/- without any default.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai -5
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Pappyreddypatty,
Dharmapuri District.

+1cc to M/s.Sai & Bharath, Advocate, S.R.No. 92543
+1cc to the Government Pleader, S.R.No. 93052

W.P.No.19027 of 2010

VD(CO)
GN(20/02/2020)