

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1892 of 2021
and W.M.P.Nos.2139, 2143 and 2145 of 2021

M/s.Indian Oil Corporation Limited,
Represented by the
Chief Divisional Retail Sales Manager,
Marketing Division,
Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 641 018

..Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Coimbatore District, Coimbatore.
3. The District Revenue Officer,
Office of the District Collectorate,
Coimbatore District.
4. The Tahsildar,
Coimbatore North Taluk. Coimbatore

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records pertaining to the issuance of proceedings in order in ROC.No.11671/97/A5 dated 23.06.2020 on the file of the fourth respondent and quash the same and consequently direct the respondents to re-determine the lease rentals in accordance with law and to refund the excess lease amounts paid by the petitioner.

For petitioner	...	Mr.Vijaya Mehanath
		for M/s.AAV Partners
For respondents	...	Mr.V.Shanmugasundar
		Spl.Govt.Pleader

ORDER

The petitioner has challenged the impugned demand notice dated 23.06.2020 directing the petitioner to pay a sum of Rs.35,91,651/- towards the provisional lease amount within a

period of 7 days from the date of service of the said notice and failure to do so, the fourth respondent has cautioned the petitioner that eviction proceedings will be initiated against them.

2. Heard Mr.Vijaya Mehanath for M/s.AAV Partners, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel for the petitioner drew the attention of this Court to the letter dated 07.07.2020 sent by the petitioner to the fourth respondent enclosing a Demand Draft for Rs.35,91,651/- dated 07.07.2020 on receipt of the impugned demand notice dated 23.06.2020 and he would submit that the said amount was paid by the petitioner under protest, without prejudice to the rights and contentions of the petitioner. He would further submit that the petitioner is not liable to pay the said amount, as the enhancement of the rent has been made arbitrarily and unreasonably.

5. Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents, on instructions, would submit that since the petitioner has paid the sum of Rs.35,91,651/- as demanded by the fourth respondent under the impugned demand notice dated 23.06.2020, the respondents have no desire to interfere with the petitioner's peaceful possession and enjoyment of its property for the present. He would also submit on instructions that if at all, they desire to initiate eviction proceedings against the petitioner, it will be done only in accordance with law and by following the due procedure established under Law.

6. The learned counsel for the petitioner is satisfied with the submissions made by the learned Special Government Pleader appearing for the respondent. However, he seeks liberty for the petitioner to challenge the arbitrary revision of rent in accordance with law.

7. After recording the submissions made by the respective learned counsels, the following directions are issued by this Court.

(a) Since the petitioner has paid the amount claimed by the fourth respondent under the impugned demand notice dated 23.06.2020 on 07.07.2020 by way of a Demand Draft dated 07.07.2020, though under protest, the respondents shall not interfere with the peaceful possession and enjoyment of the petitioner's retail outlet at T.S.No.966/1 of Anupparpalayam

Village, Coimbatore. If at all, the respondents desire to evict the petitioner from the aforementioned premises, the respondents shall follow the due procedure established under Law.

(b) The petitioner is granted liberty to challenge, if so advised, the alleged arbitrary revision of rent in accordance with law.

(c) The petitioner has given representations on 13.12.2019 and 27.03.2020 to calculate the lease rent at 4% of land cost instead of 12%. The third respondent shall consider those representations of the petitioner and pass final orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. The District Revenue Officer,
Office of the District Collectorate,
Coimbatore District.
4. The Tahsildar,
Coimbatore North Taluk.
Coimbatore.

AKM/22.2.21 /3P-5C/

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