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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12817 OF 2012
AND M.P.NO.1 OF 2012

V.Kamala Devi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Thiruvannamalai.
3. The Tahsildar,
Tiruvannamalai.

... Respondents

PRAYER:

The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent in No. Aa1/421/1993 dt 21.11.2011 and to quash the demand made thereon and to direct the 1st respondent the State Government to hear the petitioner and pass orders as regards the lease amount payable by the petitioner in respect of the land comprised Survey Nos. 593/2 and 3 , Ward No.1, Block No.2, Tiruvannamalai.

For Petitioner : Mr.Radha Gopalan

For Respondents: Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioner has filed this petition for writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 21.11.2011 and to quash the same and further



direct the 1st respondent the State Government to hear the petitioner and pass orders as regards the lease amount payable by the petitioner in respect of the land comprised Survey Nos. 593/2 and 3 , Ward No.1, Block No.2, Tiruvannamalai.

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2. The case of the petitioner is that the Collector of North Arcot by his proceedings dated 27.04.1964, accord sanction to the lease of land in S.F.No.593/2 and 3 , Ward No.1, Block No.2, Tiruvannamalai, totaling 7430 sq.ft for allocating the petrol bunk subject to the condition in the license. The lease rent for the above land was fixed at Rs.420/- per annum. Pursuant to the said grant, the then Collector for North Arcot District executed the lease in favour of his father-in-law. After his death, the license has been transferred to the petitioner's name, being the daughter-in-law and she was in possession and carrying on the business of the dealership and by proceedings dated 28.08.2001 and 27.02.2002, the pattas also have been granted to the petitioner for the above said lands, with no objection from the Thiruvannamalai Municipality in the year 2001 and 2002. While so, by notice dated 08.03.2002, a demand was made for a total sum of Rs.5,99,327/- for the period from 01.07.1994 to 30.06.2000 and thereafter, as per G.O.Ms.No.460, Revenue Department, dated 04.06.1998, demanded 14% of the land value as a lease amount and by way of an amendment, the notice dated 21.11.2011 was issued, wherein a total sum of Rs.25,04,736/- had been demanded for the period from 01.07.2000 to 30.07.2012. The petitioner also sent his reply in December 2011 and thereafter there is no order from the District Collector, fixing the lease amount and there had been no prior notice as to the lease amount proposed to be fixed. Aggrieved by the increase in the collection of lease amount, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the whole issue of fixation of quantum of lease amount to be collected is pending consideration of the Government. While the issue has not been finally decided, the authority could collect the lease amount only at the pre-existing rates. Though very many grounds have been raised, the learned counsel for the petitioner submitted that as per the impugned order, the respondent has demanded a sum of Rs.22,53,984/-, out of which, the petitioner has paid Rs.6,00,000/- in terms of the interim order passed by this Court on 04.05.2012 and the balance amount payable is Rs.16,53,984/- and the learned counsel appearing for the petitioner undertakes that the balance amount would be payable within a period of five months and prays for appropriate orders in that regard.

4. The learned Special Government Pleader appearing for the official respondents submitted that the demand made by the



respondents is perfectly in order, after following the due process of law, which cannot be found fault with and prays for dismissal of this petition.

5. In view of the limited prayer sought for by the petitioner to grant time for payment of the balance demanded amount and since the petitioner is a women entrepreneur and further, a part amount of Rs.6,00,000/- has already been paid, in compliance of the condition, while granting interim order, this Court without going into the merits of the case, directs the petitioner to pay the balance amount of Rs.16,53,984/- in five instalment within a period of five months and thereby, the petitioner shall pay a sum of Rs.4,53,984/- as first instalment and Rs.4,00,000/- equally in next three instalment and each instalment shall be made on or before 5th day of every English calender month, starting from the month of April.

6. The Writ Petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Thiruvannamalai.
3. The Tahsildar,
Tiruvannamalai.

+1cc to Mr.Radha Gopalan, Advocate, S.R.No.16033
+1cc to the Government Pleader, S.R.No.16250

W.P.No.12817 of 2012

NRL(CO)
PM/22/03/2022