



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.266 of 2022

Gopal

..Appellant

Vs.

1. The District Collector
Tirupattur
Tirupattur District.
2. The Joint Director
District Rural Development
Vellore.
3. The Assistant Director
Panchayat, Tirupattur
Tirupattur District.
4. The Assistant Director
Panchayat, Audit
Tirupattur
Tirupattur District.
5. The Block Development Officer/Commissioner
Solayarpettai Panchayat Union
Solayarpettai
Tirupattur District.
6. The President cum Chairman
Solayarpettai Panchayat Union
Solayarpettai, Elagiri
Tirupattur District.

..Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 28.01.2022 in W.P.No.1052 of 2022.

Prayer in W.P.No.1052 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records in Na.Ka. No. A2/1885/2020 dated 31.12.2021 on the file of the 5th Respondent.



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For the Appellant : Mr.R.Rajarajan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 5

JUDGMENT

(Judgment was delivered by
the Hon'ble Chief Justice)

The writ appeal has been filed challenging the order dated 28.01.2022, by which, the writ petition preferred by the appellant was dismissed.

2. The writ petition was filed challenging the order dated 31.12.2021 cancelling the lease agreement in favour of the appellant. The learned Single Judge has referred to certain violations of the terms and conditions which prompted the respondents to cancel the lease agreement and at the end, recorded his findings that on the day of challenge and the date of order, no valid lease agreement existed in favor of the appellant.

3. To find out whether the lease agreement still subsists in favor of the petitioner, learned counsel for the appellant was asked to refer to the order granting extension of the lease period. It was submitted by learned counsel for the appellant that no specific order indicating the extension of the lease period has been issued. An application for extension, after making payment is however submitted.

4. Thus, on the date of filing of the writ petition or on the date of order, the lease was not subsisting, as it expired even before the filing of the writ petition. In the light of the aforesaid, the relief prayed by the petitioner-appellant was rightly denied by the learned Single Judge.

5. The extension of lease period was permissible only for the years 2017 and 2018, as per the lease agreement, though, according to the appellant, the lease agreement was made operative from October, 2019. If that was so, the appellant should have gone for amendment in the lease agreement to claim right.

6. In any case, it being a contractual matter, the Court has to go by the terms of agreement. In the absence of extension of the lease period, the relief prayed by the appellant cannot be granted. We, thus, do not intend to go into the issue of violations of the terms and conditions of the lease agreement by



the appellant, as otherwise, the learned Single Judge was not required to address the factual issues raised therein, because the writ jurisdiction is not available to address the contractual matters unless there are admitted facts.

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7. In view of the aforesaid and endorsing the reasons given by the learned Single Judge, we do not find any reason to interfere with the order of the learned Single Judge. The writ appeal fails and is accordingly dismissed. Consequently, C.M.P.No.1913 of 2022 is also closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

kpl/drm

To:

- 1.The District Collector
Tirupattur, Tirupattur District.
- 2.The Joint Director
District Rural Development, Vellore.
- 3.The Assistant Director
Panchayat, Tirupattur,
Tirupattur District.
- 4.The Assistant Director
Panchayat, Audit
Tirupattur, Tirupattur District.
- 5.The Block Development Officer/Commissioner
Solayarpettai Panchayat Union
Solayarpettai
Tirupattur District.

+1cc to Mr.R.Rajarajan, Advocate SR. No.10105

W.A.No.266 of 2022

RGN (CO)
PR (24/02/2022)