



WEB COPY



W.P. No. 39590 of 2005

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.39590 of 2005

D.Peter Francis (died)

2. Fathima Haya Mary

3. P.Solomon Francis

4. P.Antony Josephine

(P2 to P4 are substituted as legal heirs of the deceased P1
as per the order of this Court dated 16.10.2019 in
WMP.No.28995 of 2019)

.. Petitioners

Versus

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

2. P.S.B.Educational Trust
Rep. By its Managing Director S.Pethiah,
2/268 Seethakathi Street,
Dr.JJ. Nagar, Mogappair,
Chennai-50.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to
issue a Writ of Certiorari calling for the records from the first respondent made
in G.O.Ms.No.608 Revenue Department, dated 20.10.2005 and quash the
same.

For Petitioner	:	Mr.R.Loganathan
For Respondents	:	Mr. A.Anandan
		Government Advocate



W.P. No. 39590 of 2005

ORDER

WEB COPY The petitioner has filed this writ petition seeking to quash the government order in G.O.Ms.No.608 Revenue Department, dated 20.10.2005 passed by the first respondent.

2. The case of the petitioner is that the lease has been granted in respect of the land in S.Nos.1276, 1277 and 1395 C3A in favour of the second respondent for a period of 15 years and the rent to be revised once in three months. For which, the petitioner has filed objection. The objection was rejected by the Government vide G.O.Ms.No.608 Revenue Department, dated 20.10.2005. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that during pendency of this case, the petitioner passed away and therefore, the legal heirs of the petitioners have already been substituted. The learned counsel further submitted that the lease period of 15 years has already been expired and the relief sought for by the petitioner has become infructuous and hence, nothing survives for adjudication in this case. The learned counsel seeks liberty to the petitioner to challenge the renewal order of lease, if any, filed by the second respondent.



W.P. No. 39590 of 2005

WEB COPY

4. Recording the same, this writ petition is closed. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. No order as to costs.

21.02.2022

Index : Yes/No
rli

To
The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.



WEB COPY



W.P. No. 39590 of 2005

M. DHANDAPANI, J.

rli

W.P. No.39590 of 2005

Dated : 21.02.2022