



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24997 of 2016
and M.P.No.21353 of 2016

Elgi Equipments Limited
Rep by its Head Legal & Secretariat,
Shyam Vasudevan,
Elgi Industrial Complex,
Trichy Road,
Singanallur, Coimbatore-641 005.

... petitioner
-Vs-

1. The District Collector,
Coimbatore District, Coimbatore.

2. The Tahsildar,
Coimbatore District(South), Coimbatore.

3. The District Revenue Officer,
Collector Office, Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to his demand dated 04.04.2016 in Pa.Va. 1456/2015/A5 and quash the same and direct the 2nd respondent to consider the petitioner request for exchanging the land comprised in S.F.No. 369 of Singanallur Village with the petitioner land in S.F.No. 378.



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For petitioner : Mr. M.S.Krishnan, Senior Counsel

For M/s.Sarvabhauman Associates

For Respondents : Mr. U.Bharanidharan, AGP

ORDER

This petition has been filed seeking to quash the demand notice dated 04.04.2016 issued in Pa.Va. 1456/2015/A5, by the second respondent and direct the 2nd respondent to consider the petitioner's request for exchanging the land comprised in S.F.No. 369 of Singanallur Village with the petitioner land in S.F.No. 378.

2. It is the case of the petitioner that the petitioner company is engaged in the business of manufacturing and marketing air compressors. The petitioner company is running at Singallur, Coimbatore for the last several years and the petitioner holds an an extent of 18 acres of land comprised in S.F.No.369 and 371 which is a government poramboke land and the petitioner company is paying the entire rents as demanded by the second respondent without any default. Initially, the petitioner company was in possession of a larger extent of 99 cents of lands and thereafter, they had surrendered 17/4 cents of lands in S.F.No.376 which was not used by them and the same was also intimated to the second respondent. Till the year 2009, the rent demanded was only a sum of Rs.2,71,042/- per annum and



the same was paid without any default and the petitioner has requested the respondents to either lease or exchange the above land from the year 1995, however, till date, the petitioner company have not got any lapse from the respondents.

3. In such circumstances, the petitioner company received a demand notice from the second respondent dated 30.07.2012 demanding a sum of Rs.89,64,540/- towards arrears, for the year 2002 to 2011 for the lands in S.F.No.371, 376, 369 and 417/2. But the petitioner is using the land in S.Nos.371 and 417/2 and the second respondent has not given any details as to how they calculated the above said amount towards arrears. However, the petitioner company paid a sum of Rs.60,56,530.68 on 21.11.2012 through various cheques.

4. It is the further case of the petitioner that the second respondent again issued three demand notices dated 31.05.2014 and demanded a sum of Rs. 16,66,042/-, Rs.31,22,381/- and Rs.51,71,443/- respectively without attaching the calculation memo. Thereafter, the petitioner company, issued a cheque dated 14.07.2014 along with letter dated 21.07.2014 with respect to the demand notice dated 31.05.2014, for S.F.No.371 and 369 alone. But the second respondent has



not replied to the said letter. Thereafter, the third respondent had issued a demand notice to the petitioner company on 04.04.2016 to pay a sum of Rs.17,00,735/- towards arrears of the lease amount. Challenging the said impugned demand notice, the petitioner company has filed the present writ petition before this Court.

5. Learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner company has already paid the entire amount, as demanded by the respondents and therefore, nothing survives for adjudication in this case. However, this Court may issue a direction to the respondents to consider the petitioners' application and to fix a rent for the Government poromboke lands which are using by the petitioner company.

6. Learned Additional Government Pleader submitted that though the petitioner has paid the impugned demand amount, as on date, due amount is Rs.4,51,41,844/- towards rent. Such being the case, it is for the Government to decide the issue of rent if the land value is more than Rs.2,00,000/-

7. Heard both sides and perused the materials available on record.



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8. Though the petitioner has filed the present writ petition challenging the impugned demand notice dated 04.04.2016, however, it is an admitted fact that the impugned amount has already been paid by the petitioner, with protest. However, the respondent claimed that as on date, the due amount is Rs.4,51,41,844/- towards rent. As per the Revenue Standing orders 24-A, if the land value exceeds Rs.2 lakhs, only the Government have power for determination of the rent. In the present case, the official respondents is incompetent to decide the issue.

9. Considering the facts and circumstances of the case and in view of the limited request made by the petitioner, this Court grants liberty to the petitioner to make a fresh representation to the Secretary to Government, Revenue Department, in respect of the unobjectionable land for lease/alienation/exchange, within a period of three weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the Revenue Secretary shall consider the same and pass appropriate orders after hearing the petitioner, on merits and in accordance with law, within a period of twelve weeks thereafter.



10. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.11.2022

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

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7



M.DHANDAPANI, J.

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