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W.P.No.9153 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.9153 of 2015 and
MP.No.1/2015

1.Prasar Bharati

2.The Director General
All India Radio
Akashvani Bhavan,
Parliament Street,
New Delhi 110 001.

3.The Additional Director General (E) (SZ)
All India Radio and Doordarshan,
Swami Sivananda Salai,
Chennai 600 005.

4.The Head of Office,
All India Radio,
Mylapore, Chennai 600 004.

.. Petitioners

Vs.

1.The State of Tamil Nadu,
rep.by the Principal Secretary,
Revenue Department,
Fort St.George,
Chennai 600 009.

2.The District Collector,
Chennai District,



W.P.No.9153 of 2015

Chennai 600 001.

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3. The Principal Secretary / Commissioner of
Commercial Taxes,
Chepauk, Chennai 600 005.

4. Inspector General of Registration,
100, Santhome High Road
Chennai 600 028.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorarified Mandamus to call for the records of the G.O.Ms.521, Revenue (LD)(21) Department dated 26.11.2014 as far as para 9(1) is concerned order passed by the 1st respondent along with consequential communication dated 27.01.2015 from the 2nd respondent and quash the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession of the property situated in S.F.No.111/3, 31/2, and 31/2 (part) of Venkatapuram Village in Mambalam Guindy Taluk and which has been in their possession for more than six decades.

For Petitioner : Mr.V.Chandrasekaran

For RR1 to 3 : Mr.S.Silambanan

Additional Advocate General assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

For RR4 : Mr.G.Krishna Raja

Additional Government Pleader

ORDER

The petitioner has filed this petition for issuance of writ of
Certiorarified Mandamus to call for the records of the G.O.Ms.521, passed by



W.P.No.9153 of 2015

the 1st respondent and quash the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession of the property which has been in their possession for more than six decades.

2. The case of the petitioner is that the petitioner All India Radio was provided land in Venkatapuram Village, Mambalam-Guindy Taluk, Old S.F.No.4, presently S.F.No.111/3, admeasuring 54 grounds and 100 sq.ft (block 6) and land in Old S.F.No.5/1 (part) presently in S.F.No.31/2, (block 5) measuring 30 grounds and 0143 sq.ft on lease by the State Government for a period of six years and thereafter, the lease has been periodically extended. Further the land under old S.F.No.31/3 presently S.F.No.31/2 (part) measuring 87 grounds and 0992 sq.ft was also given on lease to the petitioner initially for 30 years and periodically extended. While so, in the last Government Order, the State Government extended the lease upto the year 1990/1991 and thereby the lease was to expire contractually in 1990/1991 and immediately thereafter the petitioner approached the State Government for renewal of lease on long terms basis. However it is the allegation of the petitioner that though no formal order has been received, it has always been



W.P.No.9153 of 2015

the understanding between the 1st respondent and the petitioner that the lease continues to operate. However to the shock and surprise, two Government Orders were issued by the 1st respondent, whereby portions of land that are in possession of the petitioner on lease were sought to be transferred to the Registration Department and Commercial Tax Department of the State Government for construction of office building. It is the specific allegation of the petitioner that the allotment of lands to the Registration Department and Commercial Tax Department was done behind the back of the petitioner, who was in possession of the property and peaceful enjoyment with full leasehold rights. Hence, the petitioner All India Radio made representation to the 1st respondent on 11.11.2014, however in total disregard to the due process of law, the 1st respondent has passed the impugned order dated 26.11.2014. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners have challenged the impugned Government Order dated 26.11.2014, particularly paragraph no.9(i), wherein the Government have decided to accept the recommendation of the District Collector, Chennai and



W.P.No.9153 of 2015

the Principal Secretary to resume the land leased out to the All India Radio in S.F.No.111/3, 31/2 and 31/2 (part) in Venkatapuram Village of Mamabalam – Guindy Taluk as there are violation of lease conditions and the District Collector was directed to take action to resume the land from the All India Radio after following the usual legal procedures. It is further submitted that initially while entertaining the writ petition, this Court has granted an interim order and pursuant to the interim order, the petitioner All India Radio is in possession of the property. In the meanwhile, out of 9.45 acres, 5 acres of land was resumed by the Government and the petitioners are in possession only in respect of 4.45 acres and in order to regularise the said extent of land in favour of the petitioners, this Court has already issued direction to the respondents to file appropriate report with regard to conferring the remaining 4.45 acres of land in favour of the petitioner/All India Radio.

4. It is further submitted that pursuant to the order of this Court, today when the matter is taken up for hearing, a Status Report dated 08.11.2022 has been filed by the 2nd respondent, wherein it was stated that a proposal of All India Radio has been forwarded to the Commissioner of Land



W.P.No.9153 of 2015

Administration for further necessary action. Hence, the learned counsel appearing for the petitioners prays this Court to pass appropriate orders on the report filed by the 2nd respondent within a reasonable time as fixed by this Court.

5. The learned Additional Advocate General appearing for the respondents submitted that the respondents 1 and 3 will pass appropriate orders in terms of the report filed by the 2nd respondent within a reasonable time as fixed by this Court.

6. This Court has carefully considered the rival submissions and also perused the materials available on record.

7. Facts in the present case is not in dispute that admittedly the State Government has leased out 3.97 acres of land in Mylapore and 9.45 acres of land in Venkatapuram Village, to the petitioner All India Radio. However there was no issue with regard to the Mylapore land, whereas there was an issue in respect of Venkatapuram Village land alone, in view of the



W.P.No.9153 of 2015

fact that the impugned Government Order was passed for resumption of the Venkatapuram Village land. Further it is an admitted fact that during the pendency of writ petition, 5 acres of land was already resumed by the State Government and the remaining 4.45 acres alone with the petitioners, for which the respondents are directed to file appropriate report to find out as to whether the State Government is intended to assign the said remaining extent of land in favour of the petitioner All India Radio. Pursuant to which, the 2nd respondent has filed the Status Report dated 08.11.2022 before this Court and the relevant paragraphs for better appreciation of the case is extracted hereunder:

"7. It is submitted that the High Court of Madras has directed the respondents to file appropriate report regarding an extent of 7 cawnies 3 grounds and 1135 sq.ft in S.F.No.111/3, 31/2, 31/2(part) of Venkatapuram Village in Guindy Taluk leased out to All India Radio.

8. It is submitted that a negotiation meeting was conducted on 04.11.2022 with All India Radio officials and Revenue Officials. During the meeting the All India Radio Officials have submitted their proposal to allocate the entire land at Mylapore (3.97 acres) free of cost to AIR as it houses the broadcast facilities of the Public Service Broadcasting as



has been done by various State Government to All India Radio and to allocate 4.45 acres of land at Guindy out of 9.45 acres to AIR, free of cost for continuing the present activities and also to augment the infrastructure."

8. Since a negotiation meeting was conducted on 04.11.2022 with All India Radio officials and they have submitted their proposal to allocate 4.45 acres of land at Guindy out of 9.45 acres to AIR, free of cost for continuing the present activities and also to augment the infrastructure, the respondents 1 and 3 are directed to pass appropriate orders in terms of the said report within a period of twelve weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

09.11.2022

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To



W.P.No.9153 of 2015

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3.The Principal Secretary / Commissioner of
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Chepauk, Chennai 600 005.

4.Inspector General of Registration,
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Chennai 600 028.

M.DHANDAPANI,J.

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