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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.17498 OF 2019

AND

W.M.P.NO.16981 OF 2019

Tamil Nadu Retired Officials Association,
Coimbatore District,
Represented by its President,
N.R.Balakrishnan,
Having Office at S.R.Naidu Building,
V.O.C.Park, Coimbatore - 641 018.

... Petitioner

.Vs.

1. The Principal Secretary,
Revenue and Disaster Management Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 002.
3. The District Collector,
Coimbatore District,
Coimbatore.
4. The Tahsildar,
North Taluk,
Balasundaram Road,
Coimbatore.
5. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent herein in G.O.No.13,



Revenue and Disaster Management Department, dated 08.01.2019 and quash the same and consequently direct the 1st respondent herein to extend the lease period for another 30 years as per the representation of the petitioner dated 03.06.2005.

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For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
For R1 to R4

Mr.K.Magesh for R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.13, Revenue and Disaster Management Department, dated 08.01.2019, quash the same and consequently direct the 1st respondent to extend the lease period for another 30 years as per the petitioner's representation dated 03.06.2005.

2. The case of the petitioner is that, the petitioner/ Association is functioning for the welfare of the retired Government employees of Coimbatore District and the said Association is a registered Association, duly affiliated with the Tamil Nadu Retired Officials Association, which has also been recognized by the Government of Tamil Nadu in G.O.Ms.No.10, Public (Services-4), dated 03.01.1964 & G.O.Ms.No.212, Personal and Reforms (K) Dept. dated 11.11.2008. The petitioner/ Association gave a representation in the year 1985 before the 3rd respondent/District Collector, seeking allotment of land to construct a building for the purpose of their association activities. Thereafter, the 1st respondent granted permission to the petitioner/Association to enter upon the land, vide proceedings dated 16.05.1985 in G.O.No.722, Revenue Department and thereafter, proceedings in G.O.No.1444, dated 01.09.1989, (Revenue Department) was issued directing the petitioner/ Association to pay a sum of Rs.600/- as lease amount for a period of 15 years with effect from the year 1985 and subsequently, the lease period was further extended for another 5 years from 27.06.2000 to 26.06.2005 and the lease amount was fixed as Rs.1000/- per year, vide proceedings dated 31.12.2005 in Moo.Mu.7542/05/Aa6.



3. Thereafter, the petitioner/Association made an application dated 03.06.2005, for extension of lease period for a further period of 30 years, however, the 1st respondent, vide order dated 08.01.2019 in G.O.(Ms).No.13, rejected the request of the petitioner/Association on the ground that the Government is in shortage of lands for public use and has also directed the 2nd respondent/Commissioner, Land Administration and the 3rd respondent/District Collector to take necessary legal proceedings as per law to get back the lands given to the petitioner/Association. Aggrieved by the said order, the petitioner/Association made another representation dated 20.05.2019 to the 1st respondent, seeking to revoke the said order, however, till date, there was no response for the said representation. Hence, challenging the order dated 08.01.2019 passed by the 1st respondent, the present Writ petition is filed.

4. Learned counsel for the petitioner submitted that, in the earlier occasion, the 2nd respondent, vide letter dated 24.01.2005 observed that, in all the District Headquarters, a land measuring about 3 to 5 cents has to be identified for the purpose of allotting the same to the Association of retired employees, however, without considering the same, the present impugned order is passed. He further submitted that, if the lease period is not extended, there is no place for the petitioner/Association to carry out their Association works and their activities will come to a stand still and they will be put to heavy loss and damage. Further, though the petitioner has filed this Writ petition challenging the order dated 08.01.2019 passed by the 1st respondent, however, he restricted the relief sought for and prayed this Court for grant of permission to the petitioner/Association to approach the Government to review the said G.O.(Ms).No.13 by filing appropriate representation.

5. Learned counsels appearing on behalf of the respondents have no serious objection for the limited relief sought for by the petitioner.

6. In view of the fair submission made by the learned counsel for the petitioner, this Court, without interfering with the order passed by the 1st respondent, grants permission to the petitioner/Association to approach the Government to review the said G.O.(Ms).No.13 by filing appropriate representation along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the 1st respondent shall consider the same and pass orders in accordance with law within a period of twelve weeks thereafter.



7. This Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skt

To

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Coimbatore.
5. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.23467
+1cc to Mr.K.Magesh, Advocate, S.R.No.23116
+1cc to the Government Pleader, S.R.No.24129

W.P.NOS.17498 OF 2019 AND
W.M.P.NO.16981 OF 2019

SS(CO)
PBS/12/05/2022