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W.P.Nos.43856 and 43857 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.43856 and 43857 of 2016
and
W.M.P.Nos.37684 and 37685 of 2016

M/s.Superfil Products Ltd.
Temple Towers',
No.672, Anna Salai,
10th Floor,
Nandanam, Chennai - 600 035,
Rep. by its Managing Director,
S.Narayan.

...Petitioner in both W.P.s

Vs

1. State of Tamil Nadu
Represented by its Secretary,
Revenue Dept.,
Fort St.George,
Chennai – 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Taluk Office,
Ponneri,
Thiruvallur District.
4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

...Respondents in both



W.P.Nos.43856 and 43857 of 2016

W.P.s

Prayer in W.P.No.43856 of 2016: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records culminating in the impugned order Ref.Na.Ka.13315/2000/A2 dated 26.10.2016 passed by the Second Respondent and quash the same.

Prayer in W.P.No.43857 of 2016: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records culminating in the impugned Notice Ref.Lr.No.2286/2006/A4 dated 07.09.2016 passed by the third Respondent and quash the same.

For Petitioner
(both W.P.s) : Mr.K.C.Ramamurthy

For R1 to R4
(both W.P.s) : Mr.U.Bharanidharan
Additional Government Pleader

COMMON ORDER

Since the issue raised in the present Writ Petitions are one and the same, they are disposed of by way of this common order.

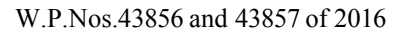
2. It is the case of the petitioner that the petitioner / firm in order to set up a factory purchased vacant land of an extent of 1.34 acres in S.Nos.198/1, 198/2 and 198/3 situated in Irulipattu hamlet in



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Jaganathapuram Village, Ponneri Taluk, Thiruvallur District vide sale deed dated 25.08.1986 and a factory was put up in the subject property.

Adjacent to the said property, the petitioner is in occupation of “Meikal porambokke” land to an extent of 18 cents for which the petitioner made several representations seeking grant of lease in his favour but the same remained unanswered. While that being so, the third respondent vide letter dated 03.08.1998 demanded the due towards lease rent payable by the petitioner. For quashment of the same, the petitioner filed a writ petition in W.P.No.4323 of 2000. This Court vide order dated 17.04.2003, dismissed the said writ petition with a direction to the second respondent to dispose of the petitioner's representation dated 22.09.1997. Pursuant to which, enquiry was conducted by the second respondent and passed the impugned order dated 26.10.2016 rejecting the petitioner's claim seeking sale or lease of the subject property and directed the third respondent to fix the lease amount for the said property in accordance with the Government rules from the date of possession of the said property and to evict the petitioner from possession, for which, the third respondent vide impugned order dated 07.09.2016 fixed a sum of Rs.1.02 crores as total lease rent payable by the petitioner from the year 1986 till July 2012. Challenging the above said impugned orders passed



by the second and third respondents, the present writ petitions have been filed by the respondent seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that though the order dated 17.04.2003 in W.P.No.4323 of 2000 was passed by this Court to dispose of the petitioner's representation dated 22.09.1997 within a period of six weeks however, the second respondent vide order dated 26.10.2016 disposed of the petitioner's application after a lapse of 13 years without assigning any reason for the delay. Earlier, the rent was only fixed at Rs.4410/- for a period of three years and the third respondent vide letter dated 03.08.1998 demanded a sum of Rs.92,610/-. From the year 1998 till 2016 the petitioner has paid a total sum of Rs.6,48,270/- towards the lease rent, however, without considering the same the third respondent erroneously passed the impugned demand notice dated 07.09.2016, demanding a sum of Rs.1.02 crores as lease rent payable by the petitioner upto 2014 which is not sustainable. Hence, the impugned orders dated 26.10.2016 and 07.09.2016 passed by the second and third respondents are liable to be quashed.

4. Learned Additional Government Pleader appearing for the



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respondents 1 to 4 submitted that it is an admitted fact that the petitioner is in occupation of “Meikal Porambokke land” to an extent of 25 cents, and in order to recover the lease rent, the second and third respondents passed the impugned orders dated 26.10.2016 and 07.09.2016. More so, when the said property falls under the objectionable category, such land vests with the Government and the respondents 2 and 3 have no power to alienate the same in favour of individuals.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. Facts in the present case are not in dispute. Admittedly, the petitioner is in occupation of Meikal Poramboke land. The issues raised in the present writ petitions are whether the petitioner is entitled for long term lease in respect of the land which is classified as Meikal Poramboke land and whether the demand notice issued by the third respondent demanding a sum of Rs.1.02 crore is sustainable or not.

7. It is to be pointed out that this Court in a catena of decisions had held that as per the Revenue Standing Order, the Government has on



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power to grant lease in respect of unobjectionable land. In the case on hand, the petitioner is in possession of Meikal Poramboke land falls under the objectionable category. Such being the case, the Government has no power to alienate the same in favour of any individuals. Hence, the impugned order dated 26.10.2016 passed by the second respondent to dispossess the petitioner is perfectly in order. Accordingly, the second respondent is directed to take immediate steps to remove the encroachment caused by the petitioner and restore the above said land to its original classification.

8. Insofar as lease amount is concerned the rent was only fixed at Rs.4410/- for a period of three years by the third respondent vide letter dated 03.08.1998 and had demanded a sum of Rs.92,610/-, and the petitioner has paid 50% as per the interim order passed by this Court and subsequent records were shown substantiating the rent paid by the petitioner. However, the present demand notice dated 07.09.2016 passed by the third respondent demanding a sum of Rs.1.02 crores is unsustainable as the same is bereft of any material particulars. On the basis of which the said amount has been arrived at. Therefore, the impugned order dated 07.09.2016 passed by the third respondent



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deserves to be set aside. The petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) within a period of four weeks from the date of receipt of a copy of this order and upon such deposit the third respondent is directed to conduct enquiry and after affording an opportunity of hearing to the petitioner compute the amount payable towards lease rent and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

9. For the reasons aforesaid, the writ petition in W.P.No.43856 of 2016 is dismissed and the writ petition in W.P.No.43857 of 2016 is allowed with the aforesaid direction and with liberty to the petitioner to produce all the necessary documents before the third respondent enabling him to conduct enquiry. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.12.2022

Index : Yes / No

Speaking/Non-speaking order : Yes / No

RAP



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To

1. The Secretary,
The State of Tamil Nadu
Revenue Dept.,
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M.DHANDAPANI, J.

RAP

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