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W.P.No.29032 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.29032 of 2014
and M.P.Nos.1 of 2014 & 1 of 2015**

R.Kathirvel

...Petitioner

Versus

- 1.The District Collector,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram District.
- 3.The Tahsildar,
Kallakurichi,
Villupuram District.
- 4.The Commissioner for Land Administration,
Chepauk,
Madras – 5.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records on the file of the third respondent in proceedings No.ROC A1/4593/2004 dated 25.09.2014 and quash the same as illegal, incompetent,



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unconstitutional and further, direct the fourth respondent to assign the land in S.No.262/5, Prithivimangalam village, Kallakurichi Taluk, Villupuram District and for consequential orders.

For Petitioner : Mr.M.G.Janakiraman
For Respondents : Mr.U.Bharanidharan,
Additional Govt. Pleader

ORDER

The relief sought by the petitioner in this writ petition is to call for the records on the file of third respondent in proceedings No.ROC A1/4593/2004 dated 25.09.2014 and quash the same and to direct the fourth respondent to assign the land in S.No.262/5, Prithivimangalam village, Kallakurichi Taluk, Villupuram District.

2. The case of the petitioner is that he had taken the land comprised in Survey No.262/5 measuring to an extent of 1 Acre situated at Prithivimangalam Village, Kallakurichi Taluk, Villupuram District on lease in the year 1982. The rent was fixed at Rs.250/- per month. The said lease was expired on 29.01.1992. During the expiry of lease period, he had preferred an application, requesting for assignment of subject land in his favour. On 02.04.1993, the Revenue Divisional Officer had processed the



petitioner's application and recommended the assignment as per the market value. However, due to bifurcation of District, the Authorities were unable to trace the file of petitioner. So, the petitioner had preferred another application afresh, however, the same is pending on the file of respondents. Though the lease rentals fixed were exorbitantly high, petitioner had periodically renewed the lease and duly paid the lease rentals. In this regard, petitioner made a representation dated 17.07.2007 to the first respondent and representation 19.02.2010 to the third respondent. While so, third respondent vide proceedings No.ROC A1/4593/2004 dated 25.09.2014 called upon the petitioner to pay a sum of Rs.10,29,000/- towards the lease rental dues. Aggrieved over the same, petitioner has filed the present writ petition before this Court for the relief stated *supra*.

3. The learned counsel for the petitioner, on instructions, submitted that due to some miscommunication, this Court vide order dated 14.02.2022 has dismissed the present writ petition as abated by recording that during the pendency of this writ petition, petitioner has passed away, but, the fact remains that the petitioner is very much alive. He further submitted that this Court vide order dated 07.11.2014 granted an order of interim stay subject



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to the payment of Rs.3,00,000/- (Rupees Three Lakhs only) by the petitioner, as per which, petitioner had also paid a sum of Rs.3,00,000/- to the Sub-Treasury, Kallakurichi. However, petitioner's requisition for assignment of subject land has been rejected by the respondents. It is to be noted that till date, the land in Survey No.262/5 is vacant and the Government had not used the said land for any purposes. He also submitted that the petitioner agrees to pay the balance lease amount, within a time frame as stipulated by this Court.

4. Considering the above submissions made by the learned counsel for petitioner, this Court is inclined to pass the following order:

(i) The petitioner is directed to pay the remaining lease amount, less the amount which he already paid, within a period of four weeks from the date of receipt of a copy of this order, without any default.

(ii) The respondents are directed to revise the lease date as per the Revenue Standing Order and pass appropriate orders.

(iii) It is made clear that if the petitioner fails to pay the remaining lease amount as directed by this Court, it is open to the respondents to initiate eviction proceedings in the manner known to law.



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5. This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

23.11.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

Copy to

1.The Inspector General of Registration,
100, Santhome High Road,
Mylapore,
Chennai,
Tamil Nadu – 600 028.

2.The Sub Registrar,
Neelankarai,
No.2/92, SH 49, Kazura Garden,
Neelankarai,
Chennai – 600 041.



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M.DHANDAPANI, J.

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