



WEB COPY

W.P.No.515 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.515 of 2022

and

W.M.P.Nos.555 and 557 of 2022

Pash Space International Pvt. Ltd.,
Rep. by its Managing Director-
A.Alam Pasha, S/o.Ameer Pasha,
No.34/2, Dassegaounapalli Village,
Krishnagiri Main Road,
Veppanahapalli, Krishnagiri District.

... Petitioner

Vs.

- 1.The Agricultural Production Commissioner and
Secretary to Government Agriculture (WD1) Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner for Land Administration and
Additional Chief Secretary to Government of Tamil Nadu,
Ezhilagam, Chepauk, Chennai – 600 005.
- 3.The District Collector,
Krishnagiri District,
Krishnagiri-1.
- 4.The Revenue Divisional Officer,
Hosur, Krishnagiri District.



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5. The Tahsildar,
Sulagiri Taluk, Sulagiri,
Krishnagiri District.

6. The Superintendent of Police,
Krishnagiri District,
Krishnagiri and District.

7. The Inspector of Police,
Berigai Police Station, Berigai,
Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's proceedings in Na.Ka.28394/2009/H2 dated 19.11.2021 and quash the same consequently, direct the 3rd respondent to renewal lease dated 19.09.2005 measuring an extent of 7.70.0 hectares in S.No.78, 2.90.0 hectares in S.No.86 totally measuring an extent of 10.60.0 hectares in Thimmasandiram Village, now Sulagiri Taluk, Krishnagiri District to the petitioner.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.S.Silambanan,
Additional Advocate General

assisted by
Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

The order passed by the District Collector in proceedings dated 19.11.2021, cancelling the lease granted in favour of the writ petitioner for



development of agro-industry is under challenge in the present writ petition.

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2. The order impugned states that the petitioner has not followed the conditions stipulated in the lease agreement. The petitioner has not developed the land for agro-industries, as stipulated in the terms and conditions of the agreement.

3. The learned counsel for the petitioner made a submission that the petitioner has already invested huge amounts and the local people of that village are not co-operating for further development of agro-industries in that locality. Some villagers have encroached portion of the land and the petitioners have also initiated appropriate action.

4. The learned Additional Advocate General appearing on behalf of the respondents raised an objection by stating that the lands, if not utilised for development of agro-industry, the Government is empowered to cancel the lease and accordingly, the impugned order has been passed.

5. Even as per the petitioner, they are agreeable to develop the agro-industry on account of various local issues and since there was an

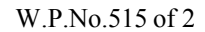


objection from the local people.

6. That being the factum, the very purpose for which the land was leased out has been defeated and thus, this Court do not find any infirmity in respect of the order impugned passed by the District Collector cancelling the lease.

7. The learned counsel for the petitioner states that no notice was issued to the petitioner before issuing the impugned order. In this context, clause 13 of the agreement provides an arbitration clause to resolve the issues between the parties, which reads as under:-

“ (13) If any dispute of difference shall at any time hereafter arise between the Government or their officers and the GRANTEE as to the rights, duties or liabilities and obligations of either party in respect of any matter or thing relating to or arising out of the grant or as to the construction or the meaning of all or any of the provisions herein contained the said dispute or difference shall be referred to an arbitration and the parties agree under Section 11(2) of the Arbitration and Conciliation Act, 1966 that the grantor shall appoint a sole arbitrator to whom the disputes or differences be referred. The proceedings before the sole arbitrator shall be governed by the provisions of Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) and the decision in such arbitration shall be final.





To

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- 5.The Tahsildar,
Sulagiri Taluk, Sulagiri,
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- 6.The Superintendent of Police,
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- 7.The Inspector of Police,
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WEB COPY

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S.M.SUBRAMANIAM, J.

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