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W.P.No.24148 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24148 of 2013

and

M.P.Nos.1 & 2 of 2013 & W.M.P.No.21890 of 2020

M/s.Titanium Equipment & Anode,
Manufacturing Company Ltd.,
rep. by its General Manager-HR,
“TEAM” House, G.S.T. Road,
Vandalur, Chennai – 600 048.

... Petitioner

Vs.

- 1.The Divisional Engineer,
National Highways,
206, Jawaharlal Nehru Salai,
Jai Nagar, Arumbakkam,
Chennai – 600 106.
- 2.The Assistant Divisional Engineer,
National Highways,
Kancheepuram.
- 3.The Assistant Engineer,
National Highways,
Kancheepuram.
- 4.The Deputy Salt Commissioner,
Salt Department – Chennai Region,
II Block, IInd Floor, 26, Haddows Road,
Shastri Bhawan, Nungambakkam, Chennai – 600 006.



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5. The Assistant Divisional Engineer,
Chengalpattu Highways-C and M Division,
Highways Department, Chengalpattu.

... Respondents

[R4 and R5 are impleaded vide order dated 25.08.2020 made in
WMP.No.14124 of 2020 in WP.No.24148 of 2013]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from forcibly entering into the northern portion, measuring 465 Mtrs, X 7.5 Mtrs. i.e. 3487.5 Sq.Mtrs. of the petitioner's Private Absolute Lands-Salt Pans bearing R.S.No.131 (Part), situated at Pallambakkam, Othivilagam Village, Cheyyur, Kancheepuram District and measuring 30.37 Acres, illegally occupying and laying Road therein without acquiring and taking possession of the said portion from it in accordance with the provisions contained U/ss. 3(A) to (I) of the National Highways Act 1956.

For Petitioner	: Mr.T.P.Manoharan Senior Counsel For Mr.T.M.Naveen
For R1 to R3 & R5	: Mr.D.Ravichander Special Government Pleader
For R4	: Mr.N.Ramesh



ORDER

The writ on hand has been instituted to forbear the respondents from forcibly entering into the northern portion, measuring 465 Mtrs, X 7.5 Mtrs. i.e. 3487.5 Sq.Mtrs. of the petitioner's Private Absolute Lands-Salt Pans bearing R.S.No.131 (Part), situated at Pallambakkam, Othivilagam Village, Cheyyur, Kancheepuram District and measuring 30.37 Acres, illegally occupying and laying Road therein without acquiring and taking possession of the said portion from it in accordance with the provisions contained U/ss. 3(A) to (I) of the National Highways Act 1956.

2. The petitioner is a company incorporated under the Indian Companies Act, 1956. It is carrying on businesses of handling exotic and special metals like Titanium, Tantalum, Zirconium, Nickel, Alloy, Copper and Copper Alloy, Alloy Steels etc. The petitioner states that one Mr.C.Ramakrishna was the owner and is in possession of the land bearing R.S.No.131 (Part) situated at Pallambakkam, Othivilagam Village, Cheyyur, Kancheepuram District and measuring 7.86 acres and 0.85 acres i.e., in total 8.71 acres. His brother Mr.C.Muthukumarasamy was the absolute owner and possessor of the adjacent land-salt pan in the same R.S.No.131 (Part)



measuring 21.66 acres. His another brother Mr.C.Vedachala Mudaliar was the absolute owner of the adjacent land-salt pan in the same R.S.No.131 (Part), measuring 9.03 acres.

3. All the above owners had obtained license from the Salt Department, Government of India and was producing salt in the Land – Salt Pans. The Salt Department, Government of India entered their names along with the extents of the above lands – salt Pan in the Register of Survey Holdings maintained by it.

4. Under Sale Deed dated 28.03.1996, the petitioner-Company has purchased the land-salt pan bearing R.S.No.131 (Part) situated at Pallambakkam, Othivilagam Village, Cheyyur, Kancheepuram District measuring 7.86 acres and 0.85 acres i.e., in total 8.71 acres from Mr.C.Ramakrishna and under sale deed dated 28.03.1996, in the same R.S.No.131 (Part) measuring 21.66 acres from Mr.C.Muthukumarasamy for a valuable consideration and took possession of the same. After the purchase, based on the revenue records, the Taluk Surveyor had measured the above lands-salt pan, measuring in total of 30.37 acres, demarcated its boundaries



and planted boundary stone. Further, the petitioner had obtained licenses from the Salt Department, Government of India and has been producing salt in the said Lands-Salt Pans. Thus, the petitioner states that they are the private owners and are in continuous possession and enjoyment of the above Lands-Salt Pans for the past about 17 years.

5. With reference to the above facts, the learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that the respondents 1 to 3 are interfering with the peaceful possession and enjoyment of the property of the petitioner. The authorities are attempting to formulate a road in-between the lands belonging to the petitioner, which would cause infringement of the property right of the petitioner. The respondents 1 to 3 have not acquired the lands nor paid any compensation to the petitioner. Thus, the interference is an illegal act and therefore, the relief as such sought for in the present writ petition is to be considered.

6. The learned Senior Counsel appearing on behalf of the petitioner mainly contended that regarding the order passed by this Court on 22.12.2021 in batch of writ petitions in W.P.Nos.35269 of 2013 etc., writ



appeals were filed and the Hon'ble Division Bench of this Court referred the matter to the arbitrator for the purpose of considering the issues. The Hon'ble Division Bench of this Court granted liberty to the Arbitrator to adjudicate all the issues including the issues raised by the petitioners in the writ petition.

7. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and 5 relying on the counter affidavit filed by the Division Engineer, National Highways, Chennai contended that a portion of the road passes through R.S.No.131 part to an extent of 8.71 acres and 21.66 acres of R.S.No.131 Part for the rest of 17 years is totally wrong. The entry of the petitioner illegal sale deeds (Document No.436/300/98 dated 28.03.1996 and Document No.439/303/98 dated 28.03.1996) will not confer any right or title to the petitioner over the lands which belong to the Government. The petitioner has filed the present writ petition with an ulterior motive of grabbing valuable Government lands. It is also submitted that the petitioner have produced the copy of the Indenture between petitioner's company and the Deputy Salt Commissioner, Salt Department, Chennai dated 26th February, 1999 and 3rd December 1999 that showed the lease land of Survey No.131 of Chunampet Village to an extent of 0 acres 47 cents only. But in



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the paragraph 3A and 3B of the affidavit filed, the petitioner wilfully claimed the Government land of Othivilagam Village R.S.No.131 to an extent of 30 acres 37 cents. This shows the ulterior motive of the petitioner company to grab valuable Government lands in Othivilagam Village. It is also submitted that the petitioners wrongly stated that the boundaries are demarcated and fixed boundary stones. The Public of Othivilagam, Kolathur and Thenpakkam are using this road passing through R.S.No.131 of Othivilagam Village for the past 42 years. Hence the claim of the petitioners in the paragraph 3A and 3B of the affidavit filed for the absolute ownership of land for the past 17 years is totally wrong and misleading.

8. Relying on the above contention, the learned Special Government Pleader reiterated that the petitioner is not an absolute owner of the subject Land-Salt Pan and the lease granted to them also expired. As of now the petitioner is neither an owner nor a lease holder and therefore, the writ petition is liable to be rejected.

9. The Deputy Salt Commissioner, Chennai / 4th respondent filed a counter stating that the petitioner has got the Government of India Salt Pan



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lands under two leases viz., 179.65 acres and 193.67 acres in Chunnampet Salt Factory. An extent of Ac.179.65 Cent, Chunnampet Salt Factory (now attached to Marakanam Salt Factory), Chunnampet Village, Kancheepuram District have been leased out to the petitioner for Salt manufacture for a period of 20 years from 01.10.1998 to 30.09.2018 as per Registered Lease Deed dated 25.03.1999, bearing Document No.229/1999 before the Sub Registrar, Chitamor, Kancheepuram District (Annexure-3). Also, an extent of Ac.193.67 Cent, Chunnampet Salt Factory (now attached to Marakanam Salt Factory), Chunnampet Village, Kancheepuram District have been leased out to the petitioner for Sale manufacture for 20 years from 01.10.1998 to 30.09.2018 as per Registered Lease Deed dated 06.01.2000, bearing Document No.07/2000 before the Sub Registrar, Chitamor, Kancheepuram District (Anneure-4). Both lease already expired on 30.09.2018. Since further renewal of these lease has not been considered by the department because of Government Notification dated 09.10.2013 (Annexure-10), they have filed a writ petition and obtained interim order dated 12.10.2018 from the Hon'ble Madras High Court in WMP (MD).No.31766 of 2018 in W.P.No.27294 of 2018 (Annexure-11), and has been enjoying the land for salt manufacture after the expiry of lease period (30.09.2018) on the strength of the above



interim order. Thereafter, the writ appeal was filed and disposed of referring for arbitration. The matter is pending and not decided yet.

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10. Even the Deputy Salt Commissioner has stated that the subject property, wherein, the road has been laid do not belong to the petitioner and they are not the absolute owners of the said portion of the properties. The entire stretch is belongs to the Government of India and therefore, the claim of the petitioner that they are the owners of the property is incorrect.

11. In respect of the issues raised in batch of writ petition, the Hon'ble Division Bench has referred the matter to the Arbitrator for adjudication. As far as the lease is concerned it expired in the year 2018. The lease was granted in favour of the writ petitioner for salt manufacture for a period of 20 years from 01.10.1998 to 30.09.2018 as per the registered lease deed dated 25.03.1999, bearing Document No.229 of 1999 on the file of Sub Registrar, Chitamoore, Kancheepuram District.

12. Another registered lease deed was entered into for the period from 01.10.1998 to 30.09.2018 in lease deed dated 06.01.2000. The lease deeds



were already expired and the petitioner is not a leases as of now.

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13. The learned Senior Counsel raised a point that the pendency of Arbitration proceedings provides right to the petitioner. However, the Hon'ble Division Bench has referred the issues with reference to the lease to the Arbitrator. However, extension of lease was not granted admittedly. Court cannot extend the lease or the Arbitrator can extend the lease in favour of the petitioner. Mere pendency of the arbitration proceedings would not be a ground to claim a lease in force. Thus, the said contention is untenable. As of now the lease granted in favour of the writ petitioner expired and the writ petition was filed in the year 2013 and during the pendency of the writ petition the lease expired.

14. That being the factum, the relief as such sought for in the present writ petition at this length of time is not entertainable and cannot be granted. If at all any grievances exist with reference to the issues arouse during the subsistence of the lease, the petitioner has to adjudicate the same before the Arbitrator as per the order passed by the Hon'ble Division Bench of this Court on 01.08.2022 in batch of writ appeal in W.A.No.752 of 2022.



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15. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes
Speaking order
Neutral Citation : Yes

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