



W.P.No.12929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12929 of 2023

Thiru.Vi.Ka.Dr.Mu.Vaa. Educational Trust,
No.38/39, Shenoy Nagar,
Chennai - 600 030.
Rep. by its President,
Dr.Vedagiri Shanmugasundaram.

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
3. The Educational Officer,
Education Department,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

...Respondents

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to pass orders for



W.P.No.12929 of 2023

renewal of lease of land with fixation of fair and reasonable rent in consideration of the land being utilized for school purpose by the Petitioner Trust, by taking note of payment of arrears of lease rent for the land in Block-A and Block-D on 27.09.2021, in consideration of representations submitted by the Petitioner Trust dated 27.01.2023 and 19.04.2023, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran, SC
for Mr.S.Nedunchezhiyan

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP, for R1
: Mr.E.C.Ramesh, for R2 & R3

ORDER

This Writ petition has been filed seeking direction the respondents to consider the representations dated 27.01.2023 and 19.04.2023 submitted by the Petitioner Trust and pass orders for renewal of lease of land with fixation of fair and reasonable rent in consideration of the land being utilized for school purpose by the Petitioner Trust, by taking note of payment of arrears of lease rent for the land in Block-A and Block-D on 27.09.2021.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the 1st respondent. Mr.E.C.Ramesh, learned counsel takes



W.P.No.12929 of 2023

notice for the 2nd & 3rd respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner trust is a Public Charitable Trust, which was initially registered on 21.01.1955 under the provisions of Societies Registration Act, 1860 under the name and style of "The High School Committee at Shenoy Nagar". The petitioner trust has established Thiru.Vi.Ka Higher Secondary School in the year 1955 and the same is carrying on its educational activities with grant-in-aid received from the State Government. The petitioner trust was granted with lease in respect of four blocks of lands by the 2nd respondent, vide lease deeds dated 02.04.1963 and 15.04.1963 respectively, for a period of 33 years on condition that, the petitioner trust should utilise the said lands only for educational purposes and the said lease was subsequently extended to a further period of 30 years, vide Government order in G.O.Ms.No.114 MAWS Department dated 04.04.1994, upon receipt of the representations from the Petitioner Trust as well as Corporation. However, in respect of the land in Block-B, for which lease was granted, vide lease deed dated 02.04.1963, it was directed to be resumed for improvement as playground, which is to be utilized by General public and accordingly, the same was



W.P.No.12929 of 2023

handed over to the Corporation. In respect of Block-C & D, though there was no Government order with extension of lease period, the lease rent has been collected by the respondent corporation as demurrage fee under the provisions of Municipal Corporation Act. While so, the respondent corporation issued proceedings dated 10.07.2002 in Na.Ka.No.LE4/479-2/90, for extension of lease at the rate of 7% of guideline value, challenging which, the petitioner trust filed a Writ Petition in W.P.No.30876 of 2002 and this Court, vide order dated 19.01.2011 issued certain directions. Aggrieved by the said order, a Special Leave petition was filed before the Hon'ble Apex Court and as per the direction of the Hon'ble Apex Court, the petitioner trust paid the arrears of lease in respect of Block A, C & D as demanded by the Corporation and also paid the lease rent for the subsequent periods as well. Despite the above said payment of arrears of lease rent being made by the Petitioner Trust, the respondent issued a communication dated 13.01.2023, stating that the Block B and C have been resumed whereas in respect of schools located in Block A and D, it is decided to amalgamate the lands with Corporation Schools. Thereby, the petitioner trust made representations dated 27.01.2023 and 19.04.2023 before the Respondent Corporation, seeking to extend the lease of land for the period



W.P.No.12929 of 2023

of 30 years with fixation of fair and reasonable rent by referring to the fact that the land utilized only for school purpose, however, till date, no orders have been passed on the same. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner trust's representations dated 27.01.2023 and 19.04.2023 and pass orders on the same as expeditiously as possible.

5. Learned counsel appearing for the respective respondents submitted that appropriate orders will be passed on the representations dated 27.01.2023 and 19.04.2023 made by the Petitioner Trust within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the representations dated 27.01.2023 and 19.04.2023 submitted by the



W.P.No.12929 of 2023

Petitioner Trust on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above directions, this Writ petition stands disposed of. No costs.

25.04.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.

6/8



W.P.No.12929 of 2023

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2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
3. The Educational Officer,
Education Department,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

M.DHANDAPANI., J.

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W.P.No.12929 of 2023



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W.P.No.12929 of 2023

25.04.2023