



W.P.No.17800 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.17800 of 2023

M.Jayakumar

.. Petitione

Vs

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-600 009.
- 2.The Special Commissioner/
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
- 3.The Special Commissioner/
Chief Revenue Administration,
Ezhilagam, Chepauk, Chennai-600 005.
- 4.The District Collector,
Singaravelan Maligai,
Rajaji Salai, Chennai-600 001.
- 5.The Tashildar,
Guindy Taluk,
No.370, Richardson Park,
Saidapet, Chennai-600 015.



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6.The Tahsildhar,
Velachery Taluk,
No.113, V.V.Koil Street,
Tharamani, Chennai – 600 015.

7.The Madras Race Club,
rep. by its Secretary,
Guindy,
Chennai-600 032.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 6 to cancel the registered lease deed dated 1.4.1946 in respect of land admeasurng to an extent of 160.86 acres for a period of 99 years with an yearly rent of Rs.614.13 vide Doc.No.1439 of 1946 for default of payment of arrears of lease rent and restore the land as Government land, consequently direct the respondents to recover the arrears of rent to the tune of Rs.730,86,81,297/-(Rupees Seven Hundred and Thirty Crores Eighty Six Lakhs Eighty One Thousand Two Hundred and Ninety Seven only) and a sum of Rs.12,381,35,24,269/- (Rupees Twelve Thousand Three Hundred Eighty One Crores Thirty Five Lakhs Twenty Four Thousand Two Hundred and Sixty Nine only) from the 7th respondent in a transparent manner by considering the representation of the petitioner dated 31.03.2023.

For the Petitioner : Mr.K.Balu

For the Respondents : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.K.M.D.Muhilan
Addl. Government Pleader
and Ms.A.G.Shakeena
for respondents 1 to 6



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ORDER

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We have heard Mr.K.Balu, learned counsel for the petitioner and Mr.R.Shunmugasundaram, learned Advocate-General for respondents 1 to 6.

2. Learned counsel for the petitioner submits that lease deed was executed in favour of the seventh respondent in the year 1946 for 99 years. Huge default is committed by the seventh respondent, but the Government has not taken action against it. The question of public exchequer is involved. The seventh respondent is indulging in commercial activity in the said property.

3. Learned Advocate-General submits that after the learned Single Judge passed the judgment against the seventh respondent, the seventh respondent had preferred writ appeals bearing W.A.Nos.890, 897 and 898 of 2023 and the same are pending before this Court.



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4. We appreciate the anxiety of the petitioner. However, when the matter is sub judice before this Court, as has been pointed out by learned Advocate-General, at present, no further direction can be issued.

5. If a judgment attains finality in favour of the Government and the Government does not take steps, then a public spirited person may agitate in accordance with law.

6. With the aforesaid observation, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.16913 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

16.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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