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W.P.No.31395 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.31395 of 2019
and
W.M.P.Nos.31567 & 31571 of 2019

The Madras Chunnambu Merchants
Association (Regn.So.s.238/1969)
rep. by its Secretary,
Havig office at :
No.21, Chunnambu Kalvayu Road,
Korukkupet,
Chennai - 600 021.

.... Petitioner

vs

1. The Principal Secretary to Government,
Fort St.George,
Chennai.

2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

3. The Zonal Officer,
Zone No.IV,
Greater Chennai Corporation,
Tondiarpet,
Chennai - 600 081.

.... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relevant to the order in Ni.Ma.Vu.Du.Na.Ka.No.LE4/1533/1988 dated 22.09.2019 passed by the 2nd respondent and the quash the same as illegal, improper, res judicata, against the law and natural justice and direct the 1st respondent to consider the petitioner's representation dated 17.10.2019

For Petitioner : Mr.D.Selvam

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader for R1
Mr.D.B.R.Prabu,
Standing Counsel for R2 and R3.

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

The writ petition has been filed challenging the order passed by the 2nd respondent dated 22.09.2019, by which, the petitioner was directed to vacate and handover possession of the subject premises within 15 days and to pay the due amount of a sum of Rs.12,11,91,082/- towards use and occupation of the premises.

2. The case of the petitioner is that the petitioner association is registered under the Societies Registration Act and its member are engaged in the manufacture and sale of lime. The land in S.No.1847/4(Part and 1874/8(part) which belongs to Corporation of Madras was leased out to them



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in the year 1947 for a period of 20 years and the lease period was extended for another 20 years in the year 1967 and the lease amount was fixed at Rs.254/- per month. Before expiry of the leave period in the year 1988, the petitioner gave representation for renewal of lease period for another 20 years but the same was extended only for 3 years and the lease amount was fixed at Rs.1000/- per month for each ground. The petitioner paid the said amount till 1992. As the lease amount is very higher than the old lease amount, number of representations were sent by the members of the petitioner association to the 2nd respondent to reduce the lease amount. The same was not considered by the 2nd respondent but the 2nd respondent increased the lease amount from time to time. Subsequently on 10.02.2011, the 2nd respondent passed an order directing the petitioner to pay a sum of Rs.4,06,79,113/- and to vacate the premises within 10 days. The said order was challenged by way of writ petition in W.P.No.13376 of 2011. During the pendency of the writ petition, the officials attached to the 2nd respondent orally instructed the petitioner to withdraw the said writ petition. Therefore, the petitioner had withdrawn the writ petition on 06.08.2019. Taking advantage of the same, the impugned order dated 22.09.2019 was passed. Hence, the present writ petition with the aforesaid relief.



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3. Learned counsel for the petitioner would state that the members of the petitioner association were doing the work in the said place for more than 50 years. Larger portion of the land in the eastern side was acquired for widening the road and the western side was also acquired for PWD for laying road. Even four years before another portion of land was acquired for the purpose of constructing Amma Fruits and Vegetable market. Without remeasuring the property, 2nd respondent had calculated the amount for the entire extent of land and had passed the impugned order, demanding such a huge amount as due. He would submit that around 4000 workers are depending on the said premises for their livelihood. The 2nd and 3rd respondents, without considering their representation dated 17.10.2019, are trying to evict the petitioner from the above premises.

4. We have considered the submissions made on either side and perused the materials available on record.

5. It is seen from the records that the petitioner was paying only meagre amount of Rs.254/- per month till 1988 and thereafter, it was increased to



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Rs.1000/- which is not said to be a huge amount. Moreover, the petitioner association had paid the amount only till 1992 even as per their own statement. Further, as per the Committee Resolution No.28/2011 dated 31.01.2011, the Greater Chennai Corporation had resolved to recover the land which is in possession of the petitioner without proper approval and hence, the impugned order was passed. We do not find any merits to entertain this writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
21.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To

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