



W.P.Nos.26611 & 23086 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.26611 & 23086 of 2017

W.M.P.Nos.24200, 28325 & 28326 of 2017, 1857 of 2018

CCL Flowers Ltd.,
Represented by its Director,
Mohammed Faraaz Ahmed,
Son of Late Mohammed Naseem,
299, 2nd Floor, Amara Jyothi Layout,
Koramangala Ring Road,
Dornlur, Bangalore – 560 071.

.. Petitioner
in W.P.No.26611/17

CCL Flowers Ltd.,
Represented by Accountant,
K.Kishore,
299, 2nd Floor, Amara Jyothi Layout,
Koramangala Ring Road,
Domlur, Bangalore – 560 071.

.. Petitioner
in W.P.No.23086/17

vs

1.The District Collector,
Krishnagiri.

2.The Tahsildar,
Hosur.

.. Respondents
in both writ petitions

Prayer in W.P.No.26611 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records on the file of the 2nd respondent in Na.Ka.12842/2001/C1 dated 21.09.2012 and quash the same as illegal, incompetent and wholly without jurisdiction.



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Prayer in W.P.No.23086 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent in Na.Ka.12842/2001/C4 dated 08.12.2014 and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the respondent to dispose of the representation dated 21.04.2014 filed for exchange of lands thereby render justice.

For Petitioner : Ms.K.Abirame
(in both writ petitions)

For Respondents : Mr.Alagu Gowtham
Government Advocate
(in both writ petitions)

COMMON ORDER

The petitioner challenges demand in Survey No.40, Kodyalam Village, Hosur Taluk, Krishnagiri (property / property in question) in Na.Ka.12842/ 2001/C1 dated 21.09.2012 and in Na.Ka.12842/2001/C4 dated 08.12.2014, respectively.

2. There is no dispute on the position that these demands have been served approximate to the date of demand itself. Thus there is no explanation submitted in this regard and there is no justification for the writ petitions to have been filed after a period of five years, only on 10.10.2017 and 24.08.2017, respectively.

3. Explanation tendered orally is that though the demand was served well in time it was not acted upon till 2017. Though



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this does not form part of the pleadings, I find the submission does not exonerate the petitioner from the intervening delay simply for the reason that if at all the petitioner was aggrieved with the demand, challenge to the same ought to have been made in time. Thus, these writ petitions are liable to be dismissed on the ground of laches.

4. That apart, Ms.Abirame, learned counsel for the petitioner would submit the property in question has been handed over to the respondents as early as on 28.11.2018 as recorded under proceedings dated 02.12.2019. However, there is no document available to establish this position on record.

5. Thus and for the reasons as stated above, I find no merit and these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm
To
1.The District Collector,
Krishnagiri.

2.The Tahsildar,
Hosur.



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DR. ANITA SUMANTH,J.

ssm

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