



WP(MD)No.767 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and W.M.P(MD).No.826 of 2018

M/s.Polyspin Limited,
Railway Feeder Road,
Cholapuram South,
Rajapalayam,
Virudhunagar District,
Rep.by its Authorized Signatory.

.. Petitioner

vs.

1.The Government of Tamil Nadu,
Rep.by the Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner,
Land Administration,
Chepauk, Chennai-05.

3.The District Revenue Officer,
Virudhunagar.

4.The Revenue Divisional Officer,
Sivakasi.



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5.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari Mandamus, calling for the records of the fifth respondent relating to his proceeding in Na.Ka.No.A1.4856/2005, dated 03.11.2017 and consequently, direct the first respondent herein to issue an order of assignment of the land bearing Old Survey No.1345/6 to an extent of 3 Acres 71 Cents situated at Cholapuram Village, Rajapalayam Taluk, Virudhunagar District, pursuant to the petitioner's representations from dated 03.11.2009 till 2017 or in the alternative to order for exchange of land as claimed in representation dated 08.03.2010 made to the Revenue Secretary, Chennai-9, within a time to be stipulated by this Court.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned demand notice issued by the fifth respondent on 03.11.2017 demanding a sum of Rs.22,96,894/-



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(Rupees Twenty Two Lakhs Ninety Six Thousand Eight Hundred and Ninety Four only) as arrears from the petitioner for the period from 29.04.1993 to 28.04.2010 for having occupied the Government property.

2. The learned counsel appearing for the petitioner submits that the petitioner was a lessee of the Government land in Survey No.1345/6 from the year 1993 to 2010. The lease period was over in the year 2010. After completion of lease period in the year 2010, the fifth respondent has issued the impugned demand notice in the year 2017, based on the audit objection raised by the Accountant General that the lease amount for the subject land was fixed at a lower price, as against which, the present Writ Petition has been filed.

3. The learned Additional Advocate General appearing for the respondents submits that in view of pendency of this Writ Petition, the petitioner is still in possession of the subject land.

4. In reply to the same, the learned counsel appearing for the petitioner submits that the subject property was handed over to the Government and the superstructure made by the petitioner was also demolished. The impugned demand



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notice was issued by the fifth respondent without providing an opportunity of hearing to the petitioner.

5. Since the petitioner claims that before issuing the demand notice, he was not provided with an opportunity of hearing, this Court, without going into the merits of the case, is inclined to set aside the impugned demand notice dated 03.11.2017 on the ground of violation of principles of natural justice. Accordingly, the impugned order is set aside and the respondents are directed to furnish a copy of the audit objection to the petitioner within a period of four weeks from the date of receipt of a copy of this order and the petitioner is expected to furnish his reply, if any, within a period of eight weeks thereafter. The respondents shall conduct enquiry by providing fair opportunity to the petitioner and conclude the same as expeditiously as possible preferably within a period of six months from the date of receipt of the reply from the petitioner. In the event if the petitioner is still in possession of the property, it is left open to the respondents to take over the possession of the property, since the lease period was already over.



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6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

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