



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

WA Nos.2685 and 2687 of 2021

And

CMP No.17941 of 2021

M/s.Dalmia Bharat Sugar and Industries Ltd.,
(Previously known as Dalmia Cement (Bharat) Ltd.),
A Company incorporated under the
Indian Companies Act, 1913, having its
Registered Office at Dalmiapuram District,
Tiruchirapalli, Tamil Nadu inter alia carrying on business
under the name and style of M/s.Dalmia Magnesite
Corporation at Salem 636 012, Tamil Nadu Represented
by its Managing Director Mr.Jai Hari Dalmia

[The cause title accepted vide order of Court dated
30.09.2021 made in CMP Nos.15786 and 15779
of 2021 in WA SR Nos.23615 and
23616 of 2020]

... Appellant in both WAs

-VS-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St. George,



Chennai-600 009.

2.The District Collector,
Salem-636 001.

3.The Tahsildar,
Omalur 636 455,
Salem District.

.. Respondents in both WAs

Writ Appeals are preferred under Clause 15 of the Letters Patent against the order of this Court made in WP Nos.26813 and 26814 of 2003 dated 31.12.2019.

For Appellant in both WAs : Mr.Satish Parasaran,
Senior Counsel for
Mr.T.Poornam.

For Respondents in both WAs : Mr.A.Selvendran,
Special Government Pleader.

COMMON JUDGMENT

[COMMON JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The common order dated 31.12.2019 passed in WP Nos.26813 and 26814 of 2003 are sought to be assailed in the present Writ Appeals.



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2. The Writ Court has elaborately considered the scope of interference in matters concerning to lease of Government lands and in the present cases, the Government Order, which was under challenge expired.

3. Mr.Satish Parasaran, learned Senior Counsel assisted by Mr.T.Poornam, learned counsel for the petitioner, would submit that portion of the Government land leased out was converted as public road. Therefore, demanding surcharge from the petitioner-Company on annual basis is improper. The petitioner-Company is not liable to pay surcharge, cess and other charges for the portion of the land, which has been utilised as public road by the general public. To that extent, the Government Order is liable to be set aside.

4. It is not in dispute that the order under challenge before the Writ Court is G.O.Ms.No.73, Revenue Department, dated 09.02.2002 and lease was granted to the writ petitioner for a period of 30 years and expired on 20.12.2017.



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5. That being so, the petitioner is not entitled to possess the land.

6. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of the respondents, would urge that the special condition stipulated under the Revenue Standing Order would apply in such circumstances and the Government is empowered to collect necessary charges as per the lease condition and the special condition contemplated under the Revenue Standing Order.

7. The rights of the petitioner has been elaborately adjudicated by the Writ Court and the period of lease expired and the writ petitions were dismissed. Thus, we are not inclined to interfere with the decision taken by the Writ Court, since the petitioner-Company during the lease period is liable to pay the lease rent and other applicable charges as per the Government Order and the Revenue Standing Order applicable.



8. Finally, Mr.Satish Parasaran, learned Senior Counsel would submit that the surcharge and other charges, which all are not contemplated under the Government Order need not be recovered from the petitioner. Such disputed facts regarding recovery of lease rent or other revenue, are to be adjudicated before the Government in the manner contemplated.

9. In the present Writ Appeals, the Government Order, which was under challenge in the writ petitions is the subject issue and as far as the Government Order issued in G.O.Ms.No.73, Revenue Department, dated 09.02.2002 is concerned, the period of lease expired.

10. Therefore, we do not find any infirmity in respect of the decision taken by the Writ Court. If at all any grievance exists regarding the demand of surcharge or other charges, it is left open to the petitioner-Company to approach the Authorities.

11. With the above observations, both the Writ Appeals are dismissed. However, there shall be no order as to costs. Consequently, the



WEB COPY

WA Nos.2685 and 2687 of 20



connected miscellaneous petition is also dismissed.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

22-07-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

Page 6 of 8



WEB COPY

WA Nos.2685 and 2687 of 20



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WEB COPY

WA Nos.2685 and 2687 of 20



Svn

WA Nos.2685 and 2687 of 2021

22-07-2024