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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.32286 & 32287 of 2015

and

M.P.Nos.1 & 1 of 2015

1.Mr.N.Murugaraj

... Petitioner
in WP.No.32286/2015

2.Mr.N.Nagaraj

... Petitioner
in WP.No.32287/2015

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

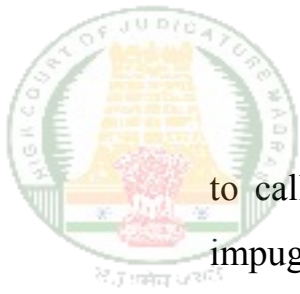
2.The Executive Engineer,
Public Works Department,
Bhavanisagar Dam Division,
Bhavanisagar – 638 451.

3.R.Sivaraj

4.T.R.Rajendiran

... Respondents
in 2WPs

Prayer in WP.No.32286 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus,



to call for the records of the respondents, particularly the 2nd respondent's impugned Letter dated 22.06.2015 vide Ref.No.A4/2015 and earlier cancellation of Lease Letter dated 26.08.2013 vide Ref.No.Ko.16/A6 and quash the same and consequently direct the 2nd respondent to permit to continue the lease of the subject land situated at Sirumugai Village in K.a.No.519, 518/8, 519/9, 551/3C, 528/1, 519/8 and 525/1A with a clear pathway.

Prayer in WP.No.32287 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents, particularly the 2nd respondent's impugned Letter dated 22.06.2015 vide Ref.No.A4/2015 and earlier cancellation of Lease Letter dated 26.08.2013 vide Ref.No.Ko.16/A6 and quash the same and consequently direct the 2nd respondent to permit to continue the lease of the subject land situated at Sirumugai Village in K.a.No.519/2, 8, 9, 528/1, 525/1A with a clear pathway.

For Petitioners	: Mr.R.Thanjan (in 2WPs)
For R1 & R2	: Mr.G.Krishna Raja Additional Government Pleader (in 2WPs)
For R3	: Mr.J.Franklin (in 2WPs)
For R4	: Mr.K.Govi Ganesan (in 2WPs)



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COMMON ORDER

The cancellation of lease and the rejection of the petition submitted by the petitioners to renew lease are under challenge in the writ petitions.

2. The petitioners state that he was a lease holder of the lands belonging to the Public Works Department situated at Sirumugai Village. There is a pathway, which is under the control of the Public Works Department.

3. Mr.R.Thanjan, learned counsel for the petitioner would submit that the respondents 3 and 4 have encroached upon the pathway and thereby blocking the three ingress and egress to other farmers, who all are cultivating their lands in that locality. Since the petitioners were prevented from using the pathway belonging to the Public Works Department, the petitioner in WP.No.32286 of 2015 had filed WP.No.2660 of 2011 and this Court directed the petitioner to send a representation to the authorities. The said representation was considered and lease was granted for a period of one year.

4. Thereafter, vide letter dated 26.08.2013, the Executive Engineer cancelled the lease granted in favour of the writ petitioner/ N.Murugaraj. The



cancellation was made pursuant to the meeting convened by the Public Works Department with the farmers of that locality. All the agriculturists in that locality agreed that the cart track will be formed in the land belonging to the Public Works Department for the benefit of the all the agriculturists in that locality.

5. Against the cancellation order dated 26.08.2013 again the petitioner submitted a petition on 29.05.2015. The said petition was also considered by the Executive Engineer and the authorities have reiterated that the decision in this regard is to be taken in the public interest and by considering over all welfare of the agriculturists in that locality.

6. The interest of the Department and the public interest were considered and accordingly the petition submitted by the petitioner / N.Murugaraj to withdraw the cancellation order was also rejected.

7. This Court is of the considered opinion that the decision taken in the public interest in order to protect the welfare of the agriculturists in that locality in entirety cannot be said to be infirm.



8. The lease was granted for one year and expired in the year 2013.

The Application submitted by the petitioner to renew the lease was cancelled mainly on the ground that the interest of the farmers as whole is to be taken into consideration for the purpose of granting lease of the property belonging to the Public Works Department. The reasons stated by the respondents for cancelling the lease and to reject the application submitted by the petitioner for renewal is in consonance with the established principles and this Court do not find any infirmity. If there is any encroachments in the public land or in the land belonging to the Public Works Department all such encroachments are to be removed for the benefit of the people / road users.

9. With these observations, the Writ Petitions are dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

22.01.2024

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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