



W.P.Nos'.29861 & 29864 of 2024

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos'.29861 & 29864 of 2024

and

WMP.No's.32559 & 32561 of 2024

Sri Balavasavi Service Station,
Represented by its Proprietrix,
Ms.M.Preeya Dharshnee Vignesh,
No.86, Ooty Main Road,
Coonoor, The Nilgiris- 643 102.

...Petitioner in both W.P.No's.

Vs.

1.The Tahsildar,
Taluk Office,
Kurumbadi,
Coonoor- 643 101.

2.The District Collector,
Nilgiris District,
Near Charing Cross,
Udhagamandalam- 643 001.

3.The Revenue Inspector,
Revenue Divisional Office,
Coonoor- 643 101.



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4.Southern Railway,
Rep. by Section Engineer,
Permanent Way,
Coonoor – 643 101.

...Respondents in both W.P.No's.

Prayer in W.P.No.29861 of 2024: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records of the impugned order in N.K.A.1/1087/2024 dated 17.07.2024 from the files of the first respondent herein, QUASH the same.

Prayer in W.P.No.29864 of 2024: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records of the impugned Demand Notice in N.K.A2/3191/2005 dated 16.08.2024 from the files of the first respondent herein, QUASH the same.

For Petitioner : M/s.Aparna Nandakumar
in both W.P.Nos'.
For Respondents : Mr.U.Baranidharan,
Additional Government Pleader
for RR1 to 3
Mr.V.T.Balaji,
Senior Panel Counsel



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COMMON ORDER

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W.P.No.29861 of 2024 is filed for issuance of a writ of Certiorari, call for the records of the impugned order in N.K.A.1/1087/2024 dated 17.07.2024 from the files of the first respondent herein, quash the same.

2. W.P.No.29864 of 2024 is filed for issuance of a writ of Certiorari, call for the records of the impugned Demand Notice in N.K.A2/3191/2005 dated 16.08.2024 from the files of the first respondent herein, quash the same.

3. Learned counsel appearing for the petitioner submitted that petitioner is running a petrol bunk in the name and style of SRI BALA VASAVI SERVICE STATION in Ooty-Coonoor highway. The total extent of the property is nearly 4309 Sq.ft and 2283 Sq.ft, were obtained lease from the Railway Department and 1744 Sq.ft from the State Government and there is no problem with regard to the lease rent fixed by the Railway Department and the Railway Department fixed a fair rent and collected periodically. However, the respondents one to three are demanding different amount without fixing the fair rent as per the



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Revenue Standing Order or the Government orders. Whereas the balance for the Fasili year 1433 is Rs.14,00,181/-, and for the Fasili year 1434, they demanded Rs.5,14,540/- without quoting any Government Orders. Whereas, the petitioner paid the lease amount for more than 6000 Sq.ft to the Railway Department per annum amounts to Rs.1,20,000/-, since the small portion of the land is connecting the railway land and the railroad, thereby huge amount was demanded by the respondents which is impermissible one. Accordingly, he prays for appropriate orders.

4. Learned counsel for the respondents would submit that the demand made by the respondents 1 to 3 are as per the Revenue Standing Order and existing Government Orders. Hence the orders need not be interfered with. Accordingly, he prayed for dismissal of the writ petitions.

5. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondents.



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6. The facts in the present case is not disputed. Admittedly, petitioner running a petrol bunk in the land in Survey No.C/9/1, Ooty Main Road, Coonoor. It is equally undisputed fact that the total land enjoyed by the petitioner is 4309 Sq.ft and 2283 Sq.ft, totally 6592 Sq.ft, the land belong to the Southern Railway Department situate at C/9/1 and C/9/2 and adjacent to the Railway Department land the petitioner also enjoyed the Government Proamboke land of 1744 Sq.ft and it is the petitioner's claim that Rs.15,00,000/- was paid to the railway land to the extent of more than 6000 Sq.ft, whereas the respondents claimed Rs.5,14,540/- for the Fasili year 1434 and without any details and even on the bare perusal of the impugned order dated 16.08.2024, it is clear that every year enhancement of 12 %, however no Government Orders was furnished either in the operative portion or in the reference order. Hence, both the impugned orders passed by the 1st respondent suffer non application of mind and are bereft of details. Hence, the orders impugned are liable to be set aside and the same are accordingly set aside. The 1st respondent is directed to



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conduct enquiry afresh by furnishing the relevant G.Os' to the petitioner within a period of two weeks from the date of receipt of a copy of this order, enabling the petitioner to file detailed explanation. On receipt of the Government Orders from the 1st respondent, the petitioner shall file detailed explanation within a period of two weeks thereafter. After the petitioner file the explanation, the first respondent shall consider the same and pass appropriate orders in accordance with law within a period of six (6) weeks thereafter.

The writ petitions are allowed with the above directions. No costs.

Consequently, connected WMP's are closed.

14.10.2024

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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M.DHANDAPANI,J.

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