



W.P.No.34976 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34976 of 2022

1.C.Raja

2.C.Baskaran

...Petitioner

Vs.

1.The District Collector of Tiruvallur,
O/o.District Collector,
Tiruvallur,
Master Plan Complex,
NH-205, Chennai Tiruttani Highway,
Thiruvallur-602 001.

2.The Sub Collector,
O/o.Revenue Divisional Office,
Taluk Office Road,
Ponneri,
Tamil Nadu - 601 204.

3.The Tahsildar
o/o.New Madhavaram Taluk Office,
5698, 53, Gandhi Main Road,
Balaji Nagar,
Puzhal,
Chennai-600 056.



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4.The Tahsildar

o/o.The Tahsildar Office, Taluk office Road, NGO Nagar Extension,
Ponneri, Chennai-601 204.

5.Muthawalli Naravarikuppam Thurukkan Chatram Trust,
Rep. by its Trustee Mr.Janab Suffiuddin,
Mohammed Yacoob, Durai House,
Redhills,
Chennai - 600052.

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of
Mandamus directing the 2nd respondent to consider the petitioner
representation dated 23.11.2022.

For Petitioner : Mr. P.K.Ganesh

For Respondents : Mr. M.R.Gokul Krishnan
1 to 4 Additional Government Pleader

For Respondent 5 : Mr. Kowser Nissar.

ORDER

The petitioners seek a mandamus to the 2nd respondent to
consider their representation dated 23.11.2022.



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2. It is the case of the petitioners that the property subject matter of the Writ Petition was leased out to one Muthan. On his demise in the year 1940, the tenancy in respect of the same continued with one Duraisamy till the year 1960. On the death of the said Duraisamy, his son Chandrasekaran became the lessee and after him the property was being cultivated by his mother, Thangammal and thereafter by the petitioners.

3. The petitioners would submit that they are the fifth generation cultivating tenants in respect of the above said properties. They would further submit that the 5th respondent had entered into a lease agreement with the petitioners on 01.07.1981 and on 27.03.1990, respectively, to cultivate the agricultural lands.

4. As per agreement, 50% of the produce was being given to the 5th respondent every Fasli year. While so, the 5th respondent trust made false allegations that the petitioners were trying to sell out the property



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and they had filed a suit O.S.No.1373 of 1997 and after contest the suit was decreed by the District Munsif Court, Thiruvottiur, on 29.11.2002.

5. The petitioners would submit that the subject property belongs to Thurukkan Chatram Public Trust, registered under Wakf Board of Tamil Nadu and the petitioners only wants to renew the lease agreement. Therefore, they had sent a legal notice on 03.10.2022 to the 5th respondent to renew the lease agreement. The petitioners would also claim a right as a cultivating tenants under the Tamilnadu Cultivating Tenants (Protection from Eviction) Act, 1996. Since their representations have not been considered they are before this Court seeking a mandamus.

6. A counter has been filed by the 4th respondent, wherein, it has been stated that the petitioners cultivated the land 30 years ago. On 18.07.1994, the petitioners executed an unregistered lease deed in favour of one Kaleel and that they are not in possession of the property.



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7. The 4th respondent would also submit that the petitioners have suffered a decree for injunction in O.S.No.1373 of 1997 on the file of the District Munsif, Tiruvottiyur. The 4th respondent would submit that since the property has changed hands, the petitioners are not entitled to a renewal of the lease or restoration of possession.

8. The learned counsel for the private parties have also made a similar submissions.

9. In the light of the above fact, a mandamus to consider the representation to renew lease agreement, accept the arrears of rent and restore possession is not maintainable, for the simple reason that the petitioners have even as early as in the year 1994 executed an unregistered lease deed in favour of one Kaleel, giving up their right in the above properties as also its possession. Therefore, the petitioners cannot seek a mandamus as they have no locus standi for instituting the same.



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10. In the result, the Writ Petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
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