



W.P.(MD) No.21709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.21709 of 2025

and

W.M.P(MD)Nos.16814, 16816 & 16818 of 2025

Parthipan

.. Petitioner

Vs

1. The Joint Commissioner,
HR&CE Department, Thanjavur.

2. The Executive Officer,
Arulmigu Balasubramaniya Swamy Thirukovil,
Kalanivasal, Peravurani Taluk,
Thanjavur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned lease termination order dated 23.07.2025 and consequent public auction notice dated 31.07.2025 issued by the respondent and quash the same as illegal and direct the respondents not to evict the petitioner.



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For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.S.S.Madhavan
Additional Government Pleader
for R1

: Dr. Ramesh Mahadev
Standing Counsel for R2

: Mr.M.Saravanan
for proposed R3 (Ramasamy)

ORDER

The petitioner is before this Court against the impugned communication of the second respondent dated 23.07.2025. By the impugned communication, the lease of the agricultural land measuring approximately about 15 acres given to the petitioner has been cancelled for the following two reasons namely, 1) for cutting and felling the trees in the agricultural land belonging to the second respondent which was leased to the petitioner and 2) for late payment of the lease amount.

2. It appears that the petitioner had cut the trees from the lease land. In the back ground, a series of order passed by the Division Bench in W.A(MD)No.637 of 2024 wherein an order passed by the Writ Court in W.P(MD)No.30157 of 2023



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dated 19.12.2023 was assailed by one Ramasamy. The said Ramasamy had earlier filed the writ petition for the following relief which was dismissed.

“The petitioner has filed the Writ Petition to direct the respondents 1 and 2 to conduct enquiry on the petitioner's representation, dated 17.10.2023 and take appropriate action against the respondents 4 and 5 for having illegally cut and removed the trees in Survey Nos.338, 339/2, 93/5 and 82/2A, Kalanivasal Revenue Village, Peravoorani Taluk, Thanjavur District, belonging to the third respondent Temple and for a consequential direction to the first respondent to direct the third respondent to cancel the lease executed in favour of the fifth respondent in respect of subject lands.”

3.The said Ramasamy appears to be a villager from Kalanivasal, Peravurani Taluk, Thanjavur District. It was alleged that the petitioner had taken the property on lease for an amount of Rs.2,85,000/- (Rupees Two Lakhs Eighty Five Thousand only) in connivance with the second respondent and has cut and removed the trees worth about Rs.10,00,000/-(Rupees Ten Lakhs only). However today when the case was taken up for hearing, the learned counsel for the second respondent has produced a copy of the District Forest Officer's Assessment wherein he has assessed the value of the trees cut by the petitioner as Rs.27,224/- (Rupees Twenty Seven Thousand Two Hundred and Twenty Four only) which



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has now been paid by the petitioner. The fact also remains that the petitioner has an arrears of the lease amount pursuant to the lease executed by the second respondent to the petitioner. On this date, this amount has also been paid back by the petitioner. It appears that the petitioner has also paid the fine amount of Rs.27,224/- for cutting the trees.

4. It is noted that the Division Bench had taken note of the conduct of the petitioner and the second respondent in W.A(MD)No.637 of 2014 in a series of order that came to be passed on 10.04.2024, 17.07.2025 and thereafter on 25.07.2025 wherein it has been informed that the lease has been terminated by virtue of the impugned termination order. That apart, it is submitted that the second respondent is proposing to auction the rights over the agricultural land on 19.08.2025.

5. Considering the same, there is no scope for interfering with the impugned communication of the second respondent terminating the lease with the petitioner. However, it is open to the petitioner to participate in the fresh auction to be held on 19.08.2025 considering the fact that there are no arrears as on date



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and the petitioner has also paid the aforesaid fine amount of Rs.27,224/-. This is without prejudice to the rights of the said Ramasamy who had filed W.A(MD)No. 637 of 2024 to take any action against the petitioner as also the second respondent Executive Officer of the temple in the manner known to law.

6. Accordingly, this Writ Petition stands disposed of. No Costs.
Consequently, connected miscellaneous petitions are closed.

07.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
PJL

To

1. The Joint Commissioner,
HR&CE Department, Thanjavur.
2. The Executive Officer,
Arulmigu Balasubramaniya Swamy Thirukovil,
Kalanivasal, Peravurani Taluk,
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C.SARAVANAN, J.

PJL

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