



W.P.(MD)No.10621 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10621 of 2017

and

W.M.P.(MD)Nos.8105 and 8106 of 2017

Srirangam Girls Higher Secondary School,
having its Office at Srirangam,
Tiruchirapalli – 620 006,
Rep. by its Secretary M.S.Nandakumar,
S/o. Late S.R.Srinivasa Thatham.

... Petitioner

versus

1. The General Manager,
Southern Railway,
Chennai.
2. The Divisional Railway Manager,
Southern Railway,
Tiruchirapalli Division,
Southern Railway,
Tiruchirappalli – 620 001.
3. The Senior Divisional Engineer/North/TPJ,
Souther Railway,
Tiruchirapalli Division,
Southern Railway,
Tiruchirapalli – 620 001.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the third respondent to its letter No.T/W277/I/10 dated 24.03.2016 and the consequential proceedings dated 02.05.2016, quash the same.

For Petitioner : M/s.K.S.Vamsidhar

For Respondents : Mr.K.R.Laxman,
Standing Counsel

ORDER

The petitioner is an Aided Public School run by Srirangam Educational Society, Srirangam. For parking the vehicles, the petitioner School had entered into a lease agreement with the respondent/Souther Railways, for the land to an extent of 17531 sq.ft. adjacent to its school in the year 1962. Initially, the respondent/Railways fixed the rent as Rs.1/- per year for the land and revised it as Rs.1,000/- per annum from the year 1998 onwards and thereafter, it was increased to Rs.5,000/- from the year 2007. While so, the 3rd respondent, by order dated 24.03.2016, demanded the petitioner to pay a sum of Rs.57,30,607/- as arrears of rent from 01.04.2002 to



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31.03.2016. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submits that the petitioner Institution is in existence from the year 1947 and is catering to the needs of poor girls in and around Srirangam and more than 2000 students are studying in the petitioner School. The rent was fixed as Rs.5,000/- from the year 2007. However, by the impugned order dated 24.03.2016, the rent has been revised with effect from 01.04.2002 and demand has been made in the year 2016 for the arrears of rent for the year 2002 without even issuing notice to the petitioner school.

3. The learned counsel for the respondents submits that the petitioner Institution is running five schools in and around Srirangam. The petitioner Institution is having another school adjacent to the school and they are having sufficient space, however, they have obtained this land from the Railways in the year 1962 and have not



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paid the rent properly. This rent, according to the learned counsel for the respondent, is fixed as per the guidelines issued by the Railways on 25.11.2009 and 03.03.2016. He also submits that this Court, while entertaining this writ petition, by order dated 07.06.2017 in W.P. (MD)No.8106 of 2017, has directed the petitioner to pay 25% of the amount demanded by the respondent within a period of four weeks. But, the petitioner has failed to pay that amount. Therefore, the petitioner is not entitled for any relief.

4. This Court considered the rival submissions made and perused the materials placed on record.

5. A vacant land of the Railways was utilized by the petitioner as a play ground by way of lease agreement in the year 1962. The petitioner School, an Aided Public School, is in existence from the year 1947. The respondents have not denied the initial fee as has been fixed at Rs.1/- per sq.ft. in the year 1962 which has been increased to



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Rs.1,000/- and thereafter, to Rs.5,000/- from the year 2004. However, the 3rd respondent, by the impugned order dated 24.03.2016, demanded the petitioner to pay a sum of Rs.57,30,607/- as arrears of rent from 01.04.2002 to 31.03.2016 and that without providing an opportunity to the petitioner. Therefore, the impugned order dated 24.03.2016 is liable to be set aside.

6. Accordingly, this writ petition is allowed and the impugned order dated 24.03.2016 is set aside and the matter is remanded back for fresh consideration. The respondents shall issue notice to the petitioner and after providing them an opportunity of hearing, shall fix the rent. No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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