



W.P(MD)No.588 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.588 of 2022
and WMP(MD)No.457 of 2022

A.Xavier Peter Thanaraj

... Petitioner

Vs

The Manapparai Municipality,
Through its Commissioner,
Manappaarai, Trichy District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned demand notices of the respondent, dated 27.11.2021 and 15.12.2021 in respect of Assessment No.085/2003073 and quash the same as Illegal, arbitrry and without jurisdiction.

For Petitioner : Mr. A.Azhageson

For Respondent : M.S.Siddharthan



W.P(MD)No.588 of 2022

ORDER

WEB COPY

Heard, Mr. A.Azhageson, learned counsel who appears on behalf of the petitioner and M.S.Siddharthan, learned counsel who appears on behalf of the respondent.

2.The Writ Petitioner is one among the 78 shop keepers, against whom notice had been issued by the respondent/Manapparai Municipality, Manappaarai, Trichy District, out of which, 77 shop keepers had joined together and filed a batch of writ petition in ***WP(MD)No.1615 of 2020 batch in S.Theiventhiran Vs The Manapparai Municipality, through its Commissioner, Manapparai, Trichy.*** A learned Single Judge on 20.02.2020 had passed the following order:

“6.The learned Standing Counsel for the respondent could not countenance the above objections, as the demands made on 23.11.2016 as well as on 9.2.2019 did not mention about the revision of the rent by the Rent Fixation Committee. That apart, the Rent Fixation Committee had not invited any objections from the Petitioners, who are the stake-holders in the process. Therefore the demand notice issued by the respondent in all these Writ Petitions have to be set aside. Considering the above facts and circumstances, this Court passes the following Order:



WEB COPY



W.P(MD)No.588 of 2022

(a)the demand notices which is the subject-matter in all these Writ Petitions stand set aside;

(b)the respondent is directed to issue notice to the Petitioners after fixing a date for enquiry to submit their explanations/objections;

(c)an opportunity of personal hearing may be given to all the Petitioners or collectively to the representatives of the Petitioners before fixing the enhanced rent;

(d)the respondents are also directed to fix the rent adopting any method known to law;

(e)It is open to the Petitioners to agitate whether the enhanced rent that may be fixed is to be paid retrospectively or will take effect from the date of demand notice, which is impugned in these Writ Petitions;

(f)once the rent is fixed, the Petitioners have to pay it accordingly;

(g)the Rent Fixation Committee may consider the representation of those Petitioners who are not in arrears of even the admitted rent amount;

7.With the above directions, the impugned notices in all these Writ Petitions are set aside and the Writ Petitions stand allowed and the matter is remanded back to the Rent Fixation Committee for fresh consideration. The respondent is directed to complete the above said exercise within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.”



W.P(MD)No.588 of 2022

3.The same order also ennues the petitioner herein. It is stated by the learned counsel for the respondent that notice had already been issued to the petitioner and already an order was passed. Nothing survives for further adjudication.

4.In view of the above, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

The Manapparai Municipality,
Through its Commissioner,
Manappaarai, Trichy District.



WEB COPY



W.P(MD)No.588 of 2022

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.588 of 2022
and WMP(MD)No.457 of 2022

12.04.2023