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SA No. 154 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**SA No. 154 of 2016 &
C.M.P.No.17127 of 2016**

T.S.Kannan
S/o T.S.Sundararaja Iyer,
No. 8, Indira Nagar 3rd Avenue,
Commercial Complex, Ward No. 154,
Zone 10, Chennai

..Appellant(s)

Vs

1. The Corporation Of Chennai
Rep By Its Commissioner,
Rippon Building, Chennai -3
2. The District Revenue Officer
Land And Estate Department,
Corporation Of Chennai, Rippon Building,
Chennai 600 003

..Respondent(s)

Prayer: Second Appeal filed under Section 100 of Civil Procedure Code to set aside the Judgment and Decree made in A.S.No.245 of 2012 dated 02.11.2015 on the file of the II Additional City Civil Judge, Chennai confirming the Judgment and Decree as made in O.S.No.13606 of 2010 dated 24.11.2011 on the file of the XVIII Assistant City Civil Court, Chennai.

For Appellant(s):

Mr.M.Aravind Subramaniam
Senior Counsel assisted by
Mr.Indresh, VRK



WEB COPY



SA No. 154 of 2016

For Respondent(s):

Ms.P.T.Rama Devi for R1
Standing Counsel
Mr.M.Senthamizh Selvam for R2
Government Counsel (Civil)

JUDGMENT

This Second Appeal has been preferred as against the Decree and Judgment passed by the II Additional City Civil Judge, Chennai in A.S.No.245 of 2012 wherein the appellant has filed the suit in O.S.No.13606 of 2010 on the file of the learned XVIII Assistant Judge, City Civil Court, Chennai and the same was dismissed through Judgment and Decree dated 24.11.2011. As against the Decree and Judgment, an appeal has been preferred in A.S.No.245 of 2012 before the Appellate Court and the same was also dismissed. Aggrieved by the said Decree and Judgment, the present Second Appeal has been preferred.

2. Heard the learned senior counsel appearing for the appellant and the learned Standing Counsel appearing for the 1st respondent and the learned Government Counsel (Civil) appearing for the 2nd respondent and perused the entire documents placed on record.

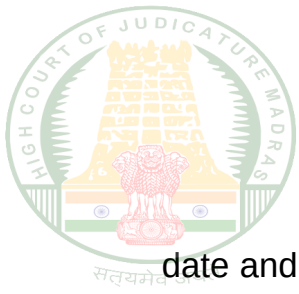
3. When the matter is taken up for hearing, the learned senior counsel appearing for the appellant would submit that the notice issued by the



SA No. 154 of 2016

Corporation impugned under the suit is with retrospective effect and without hearing the appellant, the said notice cannot be issued, thereby the appellant filed the suit. The trial court erroneously dismissed the suit and the First Appellate Court also without appreciating the facts and circumstances of the case, dismissed the appeal by confirming the Decree and Judgment passed by the trial court. This Court, on 23.11.2016, while granting Interim Injunction in C.M.P.No.17127 of 2016 in the present Second Appeal, directed the appellant to pay the enhanced rent to the respondents from 30.10.2010 and the same has been paid by the appellant.

3.1. In the meantime, the Chennai Corporation issued a Demand Notice dated 07.02.2020 seeking arrears of Rs.2,72,745/-. Challenging the said notice, appellant filed the Writ Petition No.5830 of 2020 to quash the notice impugned and this Court by an order dated 22.07.2025, directed the respondents to issue a fresh show cause notice containing the details of the enhanced rent, the period for which the enhancement is proposed, specific shop number, rental period concerned, total enhanced amount, the rate at which the enhancement has been calculated, the existing rent currently being paid by the appellant, the proposed enhanced rent to be paid and the details of payments already made by the appellant. The appellant also paid the enhanced rent to the respondents from 30.10.2010 onwards with arrears till



SA No. 154 of 2016

date and also continuing the enhanced rent periodically. Therefore, in view of the above said order passed by this Court in the Writ Petition, the respondents shall issue fresh show cause notice. Therefore, without prejudice to the rights of the appellant, the present Second Appeal may be disposed of, as the respondents have to issue fresh notice with correct particulars.

4. The learned standing counsel appearing for the 1st respondent and the learned Government Counsel (Civil) appearing for the 2nd respondent also not disputed the order passed by this Court in W.P.No.5830 of 2020 dated 22.07.2025.

5. It is an admitted fact that the appellant challenged the arrears claimed by the respondents for the enhanced amount with retrospectively. Already the appellant paid the arrears of enhanced rent from 30.10.2010 onwards till date. While pending appeal, the respondents issued notice to pay the arrears of enhanced rent for the retrospective period and the same was challenged through W.P.No.5830 of 2020.

6. This Court in W.P.No.5830 of 2020, through an order dated 22.07.2025 in Paragraph Nos.9 and 10 has observed as follows:-

“9. Without going into the merits of the case, the 2nd



SA No. 154 of 2016

WEB COPY

respondent is directed to issue a fresh show cause notice to the petitioner, clearly containing the details of the enhanced rent, the period for which the enhancement is proposed, and the specific shop number and rental period concerned. The notice shall also specify the total enhanced amount, the rate at which the enhancement has been calculated, the existing rent currently being paid by the petitioner, and the proposed enhanced rent payable. Additionally, the notice must include details of payments already made by the petitioner, as it is submitted that the petitioner has been regularly paying the enhanced rent till date.

10. The petitioner is directed to submit his reply to the show cause notice within a period of 15 days from the date of receipt of such notice. The petitioner shall also enclose relevant receipts and proof of payments made towards the enhanced rent. Upon receipt of the petitioner's reply and objections, the 2nd respondent shall consider the same on merits, in accordance with law, and pass appropriate orders within a period of four weeks thereafter. The reply to be submitted by the petitioner shall also enclose copies of receipts and proof of payments made towards the enhanced rent."

In view of the order passed by this Court in W.P.No.5830 of 2020 dated 22.07.2025 and the appellants also paid the arrears of enhanced rent and the dispute is only in respect of retrospective effect of the period on enhancement, the respondents are at liberty to issue fresh show cause notice in terms of the said Writ Order. Therefore, no further order is required to be passed in this



SA No. 154 of 2016

Second Appeal. Accordingly, the present Second Appeal is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

17-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssd

To

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Chennai
2. The XVIII Assistant City Civil Court,
Chennai.
3. The Corporation Of Chennai
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WEB COPY



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