



W.P(MD)No.6453 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6453 of 2018

and

W.M.P(MD)No.6262 of 2018

Jawahar Ali (Died)

1.Wahitha Banu

2.Ayisha (Minor)

... Petitioners

(P1 & P2 are substituted vide order dated 19.11.2025
in W.M.P(MD)No.25044 of 2025)

(P-2 is represented by P-1)

Vs

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Commissioner,
Sivakasi Municipality,
Sivakasi,
Virudhunagar District.



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3.The Welfare Officer/Personal Assistant (General),
(Refugees/repatriates),
Collectorate Campus,
Virudhunagar District.

4.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.No.201/2016/A4 dated 02.03.2018 and quash the same as illegal, unsound and direct the second respondent not to hike the rent for the petitioner Bunk Shop situated at Railway Feeder Road, Sivakasi, Virudhunagar District as the petitioner comes under the special category of Burma Repatriate.

For Petitioners : Mr.R.Govindaraj

For Respondents : Mr.R.Ramasamy (R1, R3 & R4)
counsel for State

: Mrs.S.Devasena

ORDER

The present Writ Petition has been filed challenging the impugned proceedings dated 02.03.2018 issued by the second respondent



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enhancing the rent payable by the petitioner in respect of the bunk shop situated at Railway Feeder Road, Sivakasi, Virudhunagar District, and seeking a consequential direction restraining the second respondent from enhancing the rent on the ground that the petitioner belongs to the special category of Burma Repatriates.

2.During the pendency of the Writ Petition, the original petitioner, Jawahar Ali, passed away. Thereafter, his legal heirs were brought on record as the petitioners 1 and 2.

3.The learned counsel appearing for the petitioners submitted that the deceased petitioner was a Burma Repatriate. Taking into consideration the plight of Burma Repatriates at the relevant point of time, the second respondent Municipality had allotted a vacant site to the deceased petitioner for putting up a petty shop to enable him to earn his livelihood. Initially, a monthly rent of Rs.12/- was fixed and the allotment was periodically renewed. However, all of a sudden, by the impugned



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proceedings dated 02.03.2018, the second respondent enhanced the monthly rent to Rs.3,500/- without issuing any prior notice or affording an opportunity of hearing to the petitioner. Aggrieved by the arbitrary enhancement, the present Writ Petition has been filed.

4.The learned counsel further submitted that, during the course of hearing, this Court proposed to fix the monthly rent at Rs.2,500/- for the shop in question. The legal heirs of the deceased petitioner have expressed their willingness to accept the said fixation, particularly in view of the fact that the enhancement made by the second respondent was effected without following the principles of natural justice and without disclosing the basis for such enhancement. Accordingly, learned counsel prayed for appropriate orders.

5.Per contra, learned counsel appearing for the second respondent Municipality submitted that the petitioner has been in occupation of the premises from the year 1969 without any substantial revision of rent.



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Taking into consideration the prevailing guideline value and the location of the property, the second respondent resolved to revise the rent in the year 2016 and fixed the monthly rent at Rs.3,500/-. It is submitted that the enhancement is reasonable and does not warrant interference by this Court. Accordingly, learned counsel prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.It is an admitted fact that the original petitioner was a Burma Repatriate and that the site in question was allotted to him as a welfare measure to enable him to establish a petty shop and earn his livelihood. The allotment was not made through a public auction or by following the procedure contemplated under the Tamil Nadu Transparency in Tenders Act, but was made purely on humanitarian considerations.



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8. At the same time, this Court is of the view that the nominal rent originally fixed cannot continue indefinitely without any revision. The second respondent is certainly entitled to revise the rent periodically. However, such revision must be reasonable, based on relevant materials, and preceded by compliance with the principles of natural justice. In the present case, although the second respondent enhanced the monthly rent to Rs.3,500/-, no material has been placed before this Court to show the basis on which such rent was determined. It is also not in dispute that no notice was issued to the petitioner before effecting the enhancement.

9. Having regard to the peculiar facts and circumstances of the case, particularly the welfare nature of the allotment, the prolonged occupation of the premises by the petitioner's family, and the absence of any material justifying the fixation of rent at Rs.3,500/- per month, this Court is of the considered view that the ends of justice would be met by fixing the monthly rent at Rs.2,500/- with effect from the year 2016. The said rent shall thereafter stand enhanced by 15% once in every three years, together with



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the applicable taxes and other statutory levies.

10. On the above basis, the total amount payable by the petitioners from the year 2016 till date, after applying the above enhancement and including the applicable taxes, is determined at Rs.4,27,092/-, subject to adjustment of the amounts, if any, already paid by the petitioners during the said period.

11. The petitioners shall pay the balance amount of Rs.4,27,092/-, after giving due credit to the amounts already paid, in seven equal monthly instalments. The first instalment shall be paid on or before 15.08.2026, and the remaining six instalments shall be paid on or before the 15th day of each succeeding English calendar month until the entire amount is discharged. The petitioners shall also continue to pay the revised monthly rent together with future enhancements at the rate of 15% once in every three years and the applicable statutory taxes.



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12.On receipt of an appropriate application from the legal heirs of the deceased original petitioner, the second respondent shall consider and effect mutation of the allotment in their favour, subject to their satisfying the applicable rules and conditions governing such transfer.

13.With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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