

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5991 of 2011 &
M.P.No.1 of 2011

V.Eathiraj (deceased)

- 1.Kumaran
- 2.Tamilarasi
- 3.Nirmala

((Impleaded as per the order of this court
dated 16.4.2015 in M.P.No.1/2015 in
W.P.No.5991/2011

... Petitioners

v.

The Commissioner,
Kancheepuram Municipality,
Kancheepuram

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to revise and re-fix the rent in respect of Shop No.34 at the rate of Rs.35/- as it is done to Shop Nos.35, 36 and 37, Kancheepuram Bus Stand, Kancheepuram.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.R.Lakshminarayanan,
Addl. Govt. Pleader

ORDER

Heard Mr.M.Sriram, learned counsel for the petitioner and Mr.R.Lakshminarayanan, learned Additional Government Pleader for the respondent and with their consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to revise and re-fix the rent in respect of Shop No.34 at the rate of Rs.35/- as it is done to Shop Nos.35, 36 and 37, Kancheepuram Bus Stand, Kancheepuram.

3. The petitioners' father, who was the original writ petitioner was running a tea shop in the Kancheepuram Bus stand under thatched roof for several years. The Municipality constructed a bus stand complex consisting of various facilities including 74 shops. The shops were reconstructed in the year 1998 and allotments were given. Out of the 74 shops, 28 shops were allotted to the old occupants including the petitioners' father. But, he was directed to pay market rent. The petitioners would state that the rent has been highly fixed in respect of their shop No.34 and there is discrimination in the matter of fixing of rent when compared to the rent fixed to shop Nos.35, 36 and 37, which are situated in the same complex. Though the petitioners' father said to have filed a suit before the Civil Court, the same was subsequently dismissed for non prosecution and the petitioners would state that the suit itself was filed on wrong advise. With the above facts, the petitioners' father has submitted a representation to determine the lesser rent. Now, the original writ petitioner being no more, the legal heirs have been substituted in this writ petition as petitioners.

4. In view the above, the petitioners are directed to submit a fresh representation enclosing proof to show that similarly placed are paying lesser rent and also other documents, which have been filed before this court, along with a copy of this order requesting for revision of the rent in respect of Shop No.34, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of representation received from the petitioners. Since the petitioners had the benefit of interim injunction, till the orders are passed by the respondent as directed above, the petitioners' possession in respect of Shop No.34, shall not be interfered.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.
Rj

s/d-

Assistant Registrar(V)

True Copy

Sub-Assistant Registrar

To

The Commissioner,
Kancheepuram Municipality,
Kancheepuram

+ 1 cc to Mr.M.Sriram, Advocate SR 20875

vsn(co)
prk28/4

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