



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2015

C O R A M

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.17177 of 2013

and

M.P(MD)No.1 of 2013

Subramanian

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner
Tirunelveli Municipal Corporation,
Tirunelveli.

3.The Assistant Commissioner,
Thachanallur Region,
Tirunelveli Corporation,
Tirunelveli Junction,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second and third Respondents to consider the petitioner's representation dated 03.10.2013 and direct the third respondent to fix fair rent as per guidelines given by the first respondent in his proceedings No.26855/MC.2/2000-4 dated 29.08.2000.

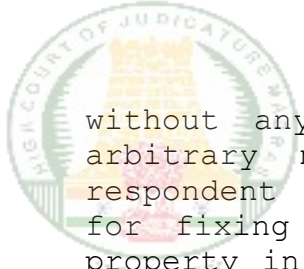
For petitioner ...Mr.Meenakshi Sundaram

For Respondents ...Mr.Aayiram K.Selvakumar
Govt. Advocate

O R D E R

The writ petition has been filed for a writ of mandamus, directing the second and third Respondents to consider the petitioner's representation dated 03.10.2013 and direct the third respondent to fix fair rent as per guidelines given by the first respondent in his proceedings No.26855/MC.2/2000-4 dated 29.08.2000.

2.According to the petitioner, he is the present lessee for the shop Nos.1, 7 and 10 at Tirunelveli Central Bus Stand. Originally one Kamalam Ammal was lessee of these three shops. Due to loss in her business, with consent of third respondent, the lease was assigned to the petitioner. From that date onwards, the petitioner is in possession of three shops and he is carrying on business. While so, the respondents



without any notice have enhanced the rent. The respondents have in arbitrary manner enhanced the rent without any basis. The first respondent issued a proceedings No.26855/MC.2/2004-4, dated 29.08.2000 for fixing the rent and also guidelines for fixing the rent of the property in Nellai Nethaji Bose Market within same Corporation area. The respondents 2 and 3 without following said guidelines have fixed the rent arbitrarily, without any notice to the petitioner. Therefore, the petitioner gave representations on 05.04.2013 and 09.04.2013 to fix the fair rent. The respondents did not pass any orders on the representation. Hence, the petitioner has filed the present writ petition for the above stated relief.

3.Mr.Aayiram K.Selvakumar, learned Government Advocate represented that after filing the writ petition, the petitioner has paid the arrears of rent on various dates.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5.Though the writ petition is filed for a larger relief, seeking issuance of Writ of Mandamus to fix the fair rent, the learned counsel appearing for the petitioner in the course of his argument, restricted his relief for issuing a direction to the second respondent to dispose of the petitioner's representation, dated 03.10.2013.

6.In view of the same, this Court directs the second respondent to consider the representation of the petitioner, dated 03.10.2013 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-600 009.

2.The Commissioner
Tirunelveli Municipal Corporation, Tirunelveli.

3.The Assistant Commissioner,
Thachanallur Region, Tirunelveli Corporation,
Tirunelveli Junction, Tirunelveli District.

+1cc to Mr.Aayiram K.Selvakumar, Advocate SR.No.49277

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