

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22284 of 2015

and

M.P.No.1 of 2015

A.Rajkumar

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. By its Secretary to the Government,
Department of Agriculture Production Commission,
Fort. St.George,
Chennai - 600 009
2. The Superintendent
Kovai Marketing Committee,
Regulation Marketing Complex,
Tirupur
3. The Secretary,
Coimbatore Marketing Committee,
Coimbatore.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in pursuance of the order dated 08.05.2015 letter no.A-2/19/2011 passed by the second respondent and quash the same.

For Petitioner : Mr.E.Balaji

For Respondents : Mr.R.Rajeswaran for R1
Special Government Pleader

Mr.V.Jayaprakash Narayanan
for R2 & R3
Special Government Pleader

O R D E R

Heard Mr.E.Balaji, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for 1st respondent and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for 2nd and 3rd respondents. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition challenging the impugned demand issued by the respondents in respect of a lease granted to the petitioner. The only ground on which the petitioner has challenged the impugned proceedings is by contending that the petitioner has not been afforded any opportunity and no notice was issued to the petitioner.

3. In the counter affidavit filed by the 2nd respondent, it is stated that the petitioner is aware of the fact that the rent is to be increased for the period starting from 01.01.2014 as it was increased during the earlier period and therefore, he is aware of the said proceedings and he has to pay the enhanced rent.

4. At the time when the Writ Petition was entertained, a conditional stay order was granted that the petitioner should deposit a sum of Rs.25,000/-. This condition has been complied with by the petitioner.

5. It may be true that the petitioner is aware of the conditions providing for increase in lease rent. However, he is entitled to know as to the basis of such increase. This should be intimated to the petitioner and if the petitioner wants to raise any objection, the petitioner should be permitted to do so.

6. Therefore, without setting aside the impugned proceedings and while directing the Order of Interim Stay to continue, a direction is issued to the 2nd respondent to issue Show Cause Notice to the petitioner clearly stating as to how the revised rent has been arrived at with breakup details and if any Government Order has been followed for revising rent, a reference to the said Government Order should be made and the petitioner should be given ten days time to submit the representation if any and thereafter if the representation is given, the 2nd respondent should pass appropriate orders on merits and in accordance with law within a period of ten days from the date on which representation is received. Till the

orders are passed on the said representation, the petitioner shall continue to pay the old rent and the amount of Rs.25,000/- should be held in deposit.

With the above observation, this Writ Petition is disposed of. Consequently connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Government of Tamil Nadu
Rep. By its Secretary to the Government,
Department of Agriculture Production Commission,
Fort. St.George,
Chennai - 600 009
2. The Superintendent
Kovai Marketing Committee,
Regulation Marketing Complex,
Tirupur
3. The Secretary,
Coimbatore Marketing Committee,
Coimbatore.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.14845
+1cc to the Government Pleader, S.R.No.14988

W.P.No.22284 of 2015
and
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ALA(CO)
CA(18/03/2016)

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