



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.A. (MD) Nos. 1058 to 1086 of 2017

and

C.M.P (MD) Nos. 7416 to 7472 of 2017

C. KRISHNAMOORTHY	... Petitioner in WA (MD) . 1058/ 2017
P. K. PANNEERSELVAM	... Petitioner in WA (MD) . 1059/ 2017
D. PONMANI	... Petitioner in WA (MD) . 1060/ 2017
P. RAMACHANDRAN	... Petitioner in WA (MD) . 1061/ 2017
K. RAJADESINGH	... Petitioner in WA (MD) . 1062/ 2017
K. RAJADESINGH	... Petitioner in WA (MD) . 1063/ 2017
V. RAGHAVAN	... Petitioner in WA (MD) . 1064/ 2017
D. PONMANI	... Petitioner in WA (MD) . 1065/ 2017
P. SURESH KUMAR	... Petitioner in WA (MD) . 1066/ 2017
K. NATARAJAN	... Petitioner in WA (MD) . 1067/ 2017
T. S. RAMASUBRAMANIYA RAJA	... Petitioner in WA (MD) . 1068/ 2017
T. S. RAMASUBRAMANIYA RAJA	... Petitioner in WA (MD) . 1069/ 2017
S. PARAMAGURU	... Petitioner in WA (MD) . 1070/ 2017
R. NEELA DEVI	... Petitioner in WA (MD) . 1071/ 2017
P. MARIYAMMAL	... Petitioner in WA (MD) . 1072/ 2017
S. SUBIYAN MOHAMED	... Petitioner in WA (MD) . 1073/ 2017
VIJAYAKUMAR	... Petitioner in WA (MD) . 1074/ 2017
M. VISHNU SANKAR	... Petitioner in WA (MD) . 1075/ 2017
MARKIS	... Petitioner in WA (MD) . 1076/ 2017
V. ARIVOLI	... Petitioner in WA (MD) . 1077/ 2017
BHUVANESWARI	... Petitioner in WA (MD) . 1078/ 2017
T. PANNEERSELVAM	... Petitioner in WA (MD) . 1079/ 2017
VEERAPANDIAN	... Petitioner in WA (MD) . 1080/ 2017
A. SANTHANAM	... Petitioner in WA (MD) . 1081/ 2017
S. SANTHOSH KUMAR	... Petitioner in WA (MD) . 1082/ 2017
A. CANDESA RAJA	... Petitioner in WA (MD) . 1083/ 2017
R. NEELA DEVI	... Petitioner in WA (MD) . 1084/ 2017



R.VINCENT
K.PALANIVEL RAJAN

... Petitioner in WA(MD). 1085/ 2017
... Petitioner in WA(MD). 1086/ 2017
- Vs. -

THE COMMISSIONER, RAJAPALAYAM MUNICIPALITY, RAJAPALAYAM TOWN,
VIRUDHUNAGAR DISTRICT ... SOLE RESPONDENT IN ALL WA's

Prayer in WA(MD). 1058/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No.9333 of 2017 on the file of this Court.

Prayer in WP(MD). 9333/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1947/15 dated 07.04.2017 and to quash the same and consequently forbear the respondent from revising the rent until the expiry of license period of 3 years i.e. till 31.03.18.

Prayer in WA(MD). 1059/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9335 of 2017 on the file of this Court.

Prayer in WP(MD). 9335/ 2017 :

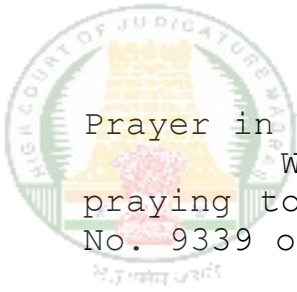
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Order or direction more in the nature of Writ of Certiorari to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.17 and to quash the same .

Prayer in WA(MD). 1060/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9336 of 2017 on the file of this Court.

Prayer in WP(MD). 9336/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.2017.



Prayer in WA(MD). 1061/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9339 of 2017 on the file of this Court. .

Prayer in WP(MD). 9339/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Order or Direction more in the nature of Writ of Certiorari to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.17 and quash the same and pass such other as this Hon'ble Court

Prayer in WA(MD). 1062/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9337 of 2017 on the file of this Court. .

Prayer in WP(MD). 9337/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07-04-17 and to quash the same and pass such other as this Hon'ble Court may deem fit to the facts and circumstances of the case and thus render justice.

Prayer in WA(MD). 1063/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9338 of 2017 on the file of this Court. .

Prayer in WP(MD). 9338/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction more in the nature of Writ of Certiorari to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.17 and to quash the same and pass such other as this Hon'ble Court.

Prayer in WA(MD). 1064/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9340 of 2017 on the file of this Court.

Prayer in WP(MD). 9340/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order



of the respondent in Na.Ka.No.A1/947/15 dated 07-04-17 and to quash the same and pass such other as this Hon'ble Court may deem fit to the facts and circumstances of the case and thus render justice.

Prayer in WA(MD). 1065/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9341 of 2017 on the file of this Court. .

Prayer in WP(MD). 9341/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction more in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07-04-17 and to quash the same consequently forbear the respondent from revising the rent until the expiry of license period of 3 years, i.e.till 31.03.18

Prayer in WA(MD). 1066/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9342 of 2017 on the file of this Court.

Prayer in WP(MD). 9342/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Order or direction more in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.17 and to quash the same consequently forbear the respondent from revising the rent until the expiry of license period of 3 years i.e.till 31.03.18

Prayer in WA(MD)No.1067/2017:-

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9635 of 2017 on the file of this Court.

Prayer in WP(MD). 9635/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner.



Prayer in WA(MD). 1068/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9639 of 2017 on the file of this Court.

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Prayer in WP(MD). 9639/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1069/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9640 of 2017 on the file of this Court. .

Prayer in WP(MD). 9640/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certirarified Mandamus or any other writ, order or direction in the nature of writ calling for the records relating to the impugned proceeding of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1070/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9641 of 2017 on the file of this Court.

Prayer in WP(MD). 9641/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the



same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD)No.1071/2017:-

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9643 of 2017 on the file of this Court. .

Prayer in WP(MD). 9643/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner .

Prayer in WA(MD). 1072/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9644 of 2017 on the file of this Court.

Prayer in WP(MD). 9644/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1073/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9647 of 2017 on the file of this Court.



Prayer in WP(MD). 9647/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD)No.1074/2017:-

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9648 of 2017 on the file of this Court.

Prayer in WP(MD). 9648/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1075/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD). No.9650 of 2017 on the file of this Court.

Prayer in WP(MD). 9650/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.



Prayer in WA(MD). 1076/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD)No. 9651 of 2017 on the file of this Court.

Prayer in WP(MD). 9651/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1077/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9652 of 2017 on the file of this Court.

Prayer in WP(MD). 9652/ 2017 :

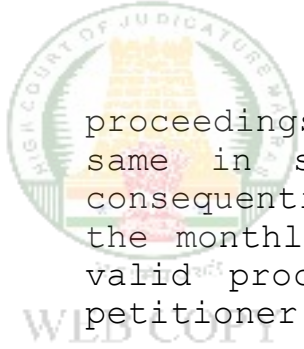
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1078/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD).No.9654 of 2017 on the file of this Court.

Prayer in WP(MD). 9654/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned



proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent Municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner.

Prayer in WA(MD). 1079/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9655 of 2017 on the file of this Court.

Prayer in WP(MD). 9655/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To be pleased to issue a Writ of Certiorarified mandamus or any other writ order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1080/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9657 of 2017 on the file of this Court.

Prayer in WP(MD). 9657/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus or any other writ, order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner

Prayer in WA(MD). 1081/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/insight/Annapes>
Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9659 of 2017 on the file of this Court.



Prayer in WP(MD). 9659/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus or any other writ, order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner

Prayer in WA(MD). 1082/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9660 of 2017 on the file of this Court.

Prayer in WP(MD). 9660/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD)No.1083/2017:-

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9662 of 2017 on the file of this Court.

Prayer in WP(MD). 9662/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent Municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner.



Prayer in WA(MD). 1084/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD)No. 9663 of 2017 on the file of this Court.

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Prayer in WP(MD). 9663/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ, order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1085/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9668 of 2017 on the file of this Court.

Prayer in WP(MD). 9668/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ, order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WA(MD). 1086/ 2017 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 10/07/2017 passed in WP(MD) No. 9669 of 2017 on the file of this Court.

Prayer in WP(MD). 9669/ 2017 :

<https://hcservices.ecourts.gov.in/HCServices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ, order or direction in



the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A1/947/15 and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondent municipality to revise the monthly rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the petitioner.

For Appellant : Mrs.Nalini Chidambaram
Senior Counsel
for Mr.S.Karthik
For Respondent : Mr.N.Dilip Kumar

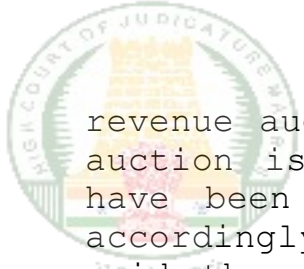
COMMON JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

All these appellants are the erstwhile licensees being the beneficiary of the Government Order having got extension from the period fixed at the first instance. By the impugned orders, a concession has been made by the respondent to the appellants permitting them to continue by way of extension in their respective shops on their acceptance of the rent fixed based upon the fixation by the Fee Fixation Committee as per the instruction of Commissioner of Municipal and Water Supply Department, dated 03.07.2007 followed by the proceedings of the Regional Director, Municipal Administration, Tirunelveli, dated 28.03.2017. The learned Single Judge dismissed the writ petitions placing reliance upon the Division Bench Judgement of this Court. Accordingly, it was held that the appellants did not have vested right being mere licensees over fixation of the rent. Challenging the same, these writ appeals have been filed by the appellants.

2.The learned Senior counsel for the appellants would submit that the issue is with respect to the fixation of Rent alone. Such fixation cannot be arbitrary, apart from being unilateral. Therefore, the orders impugned will have to be set aside.

3.The learned counsel for the respondent would submit that what has been given to the appellants only an way of offer by way of concession. The appellants are erstwhile licensees and thus, do not have any vested right. For making an offer, there is no question of hearing the case of the appellants. The rent has been Services and Information Technology Department, Government of Tamil Nadu, Chennai. into consideration of the relevant materials and as per the decision of Fee Committee. The question of Public interest as against the private interest has to be seen. The



revenue augmented will have to be used for public activities. The auction is fixed tomorrow i.e., on 10.08.2017. Already 16 shops have been auctioned. The upset price was exceeded and it was accordingly confirmed in favour of 16 new licensees. They have paid the auction amount which is beyond the upset price fixed. Hence, no interference is required in the order of the learned Single Judge.

4. As rightly held by the learned Single Judge the appellants do not have any vested right and their period of licence already got over. They did not have any say in the fixation of rent. The rent fixed forms part of an offer. It is for the appellants to accept or to leave it. The auction is fixed tomorrow i.e., on 10.08.2017. Therefore, it is for the appellants to take part in the said auction. After all, the ultimate interest is that of the respondent, which is a public authority catering to the needs of general public. It is nothing but a commercial activity intended to augment more revenue. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeals are dismissed.

5. However, considering the facts and circumstances of the case, still the auctions are confirmed, the appellants are permitted to continue in the respective shops subject to payment of old rent along with arrears, if any. Liberty is given to the appellants to take part in the auction. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner, Rajapalayam Municipality,
Rajapalayam Town, Virudhunagar District.

+One cc to Mr.S.Karthik, Advocate, SR.No.71569

+3ccs to Mr.N.Dilip Kumar, Advocate SR.No.71916

am/lis

RL/6C/13P/SKN/RSK/SAR1/11/8/2017

W.A. (MD) Nos.1058 to 1086 of 2017

09.08.2017