

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.11.2017****CORAM:****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P(MD) Nos.20902 to 20909 of 2017 and****W.M.P. (MD) Nos.17203 to 17214 of 2017**

P.Boominathan	... Petitioner in WP(MD)No.20902 of 2017
G.Deneeswaran	... Petitioner in WP(MD)No.20903 of 2017
K.K.Kalanchiyam	... Petitioner in WP(MD)No.20904 of 2017 and WP(MD)No.20905 of 2017
S.Jeevenantham	... Petitioner in WP(MD)No.20906 of 2017
S.Karuppiah	... Petitioner in WP(MD)No.20907 of 2017
RM.Lakshmanan	... Petitioner in WP(MD)No.20908 of 2017
VR.Suresh	... Petitioner in WP(MD)No.20909 of 2017

-vs-

The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

... Respondent in All Cases

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice in Na.Ka.No.5236/2016/A1 dated 26.09.2017 on the file of the respondent pertaining to the petitioner Shop Nos.13, 5, 8, 9, 21, 6, 12, 23 and Assessment Nos.17, 63, 66, 67, 79, 64, 70, 81 respectively at Subramaniyapuram, Karaikudi, Sivagangai District and quash the same as illegal and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and



For all Petitioners : Mr.T.Lajapathi Roy
(in all cases)

For Respondent : Mr.P.Mahendran,
Standing Counsel (in all petitions)

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C O M M O N O R D E R

The issue involved in all these writ petitions is one and the same and therefore, all these matters are taken up together for final disposal by way of this common order.

2. The petitioners in W.P(MD) Nos.20902 to 20908 of 2017 are admittedly lease holders of the respondent Municipality and the petitioner in W.P.(MD) No.20909 of 2017, pursuant to the death of his father / original allottee, has filed the petition for consideration of allotment. All the petitioners seek to quash the impugned notices, by which they were asked to pay the enhanced monthly rent, which was sought to be revised as per G.O.Ms.No.92 Municipal Administration and Water Supply Department dated 03.07.2007.

3. Heard the learned Senior counsel for the petitioners and the learned Standing Counsel for the respondent.

4. This Court, while dealing with the similar issue of enhancement of rent as per G.O.Ms.No.92 dated 03.07.2007, had considered all the aspects, given anxious consideration, perused the material documents and passed a detailed order in the case of M.Muthusamy and others vs. The Commissioner, Palani Municipality, Palani, Dindigul District [W.P(MD)Nos.17966 to 17968 of 2017] decided on 29.11.2017, which is extracted hereunder:

" 7. It is no doubt true and there is no second opinion that there is no automatic extension of lease and it cannot be renewed on its every expiry, but at the same



ii) This Court, normally while granting interim orders, would uniformly direct the petitioners / lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter file their objections supported by whatever documents they have in their possession within a period of two weeks from the date of receipt of a copy of this order to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or refix the lease rent in accordance with law, within a period of two weeks thereafter."

5. Following the above judgment and also considering the fact that the said judgment is squarely applicable to the facts of the present cases on hand, these writ petitions are disposed of with the following directions:

i) the respondent Municipality is directed to provide a copy of the report of the Committee as well as the calculation sheet to the petitioners forthwith, if not already given;

ii) This Court, normally while granting interim orders, would uniformly direct the petitioners / lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter file their objections supported by whatever documents they have in their possession within a period of two weeks



from the date of receipt of a copy of this order to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or re-fix the lease rent in accordance with law, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To:

The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.90298.
+1cc to M/S.P.MAHENDRAN, Advocate SR.No.90208.

W.P(MD) Nos.20902 to 20909 of 2017
29.11.2017

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