



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)No.21530 of 2017

R.P.S.Rajinibalaguru

... Petitioner

Vs.

1.The District Collector,
Madurai District.2.The Commissioner,
Madurai Corporation, Madurai.3.The Executive Officer,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to take necessary steps to fixation of fair rent in respect of the shops in No.H1, H2 situate in Curd Market at Keezha Marrat Street, Madurai and further direct that not to collect enhanced fee of rent other than prescribed in the manner known to law and considering the petitioner's representation dated 25.09.2017.

For Petitioner

: Ms.K.Seemaraj

For Respondents

: Mr.T.S.Mohamed Mohideen,

Additional Government Pleader

for R.1

Mr.N.Shanmugaselvam for R.2 & R.3

O R D E R

By consent, this writ petition itself is taken up for final disposal.

2. This writ petition has been filed by the petitioner seeking a direction to the respondents to fix fair rent in respect of the shops in question and further not to collect enhanced rent, without following due procedure of law.

3. The learned Counsel for the petitioner would submit that the shops in question were leased out to the petitioner and others by the second respondent and for the same, they were regularly paying a sum of Rs.10/- as daily rent, whereas, all of a sudden, the auctioneer started demanding the petitioner as well as others to pay Rs.150/- as daily rent, that too without passing any resolution or



whatsoever by the corporation council.

4. Upon notice, the learned Counsel for the respondents 2 & 3, based on the communication of the Corporation dated 29.05.2017, submitted that the collection is only a sum of Rs.20/- and not more than that. He further submitted that any violation related to such enhanced illegal collection will lead to cancellation of the licence.

5. At this juncture, the learned Counsel for the petitioner submitted that auctioneer is demanding this enhanced rate and pointing out such violations, he had already submitted a representation dated 25.09.2017 and hence, seeks indulgence of this Court for a direction to the respondents, to consider his representation with regard to the illegal collection of enhanced rent.

6. Heard the learned Counsel for the petitioner and learned Additional Government Pleader appearing for the first respondent as well as the learned Counsel appearing for respondents 2 & 3.

7. In view of the foregoing discussions, this Court is of the considered view that it is appropriate to direct the authorities to take up this issue and initiate action, in the event of anybody is collecting enhanced rent, more than the one fixed by them.

8. Under such circumstances, this writ petition is disposed of, directing the respondents to consider the representation of the petitioner dated 25.09.2017, after affording due opportunity of hearing to all the necessary parties and if any illegal collection of rent is found out, appropriate action should be taken, forthwith, in the manner known to law. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District.

2.The Commissioner,
Madurai Corporation, Madurai.

3.The Executive Officer,
Madurai Corporation, Madurai.

+1cc to M/s.K.SEEMARAJ Advocate in SR. No. 88971

+1cc to M/s.N.SHANMUGASELVAM Advocate in SR. No. 89011

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 89610

GK

<https://hcservices.ecourts.gov.in/hcservices/>

JS/SV:MMS/SAR.3/5.12.2017/2P-7C

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