



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2017

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)Nos.9333 to 9342, 9346, 9634 to 9670, 10842, 11281 &
11282, 11507 to 11509 and 12547 of 2017

&

WMP(MD)Nos.8861 of 2017 etc.

KRISHNAMOORTHY	... Petitioner in WP(MD).No.9333/ 2017
M.PARIMALAM	... Petitioner in WP(MD).No.9334/ 2017
P.K.PANNEERSELVAM	... Petitioner in WP(MD).No.9335/ 2017
D.PONMANI	... Petitioner in WP(MD).No.9336/ 2017
K.RAJADESINGU	... Petitioner in WP(MD).No.9337/ 2017
K.RAJADESINGU	... Petitioner in WP(MD).No.9338/ 2017
P.RAMACHANDRAN	... Petitioner in WP(MD).No.9339/ 2017
V.RAGAVAN	... Petitioner in WP(MD).No.9340/ 2017
D.PONMANI	... Petitioner in WP(MD).No.9341/ 2017
P.SURESH KUMAR	... Petitioner in WP(MD).No.9342/ 2017
S.A.GANESA RAJA	... Petitioner in WP(MD).No.9346/ 2017
K.PAULRAJ	... Petitioner in WP(MD).No.9634/ 2017
K.NATARAJAN	... Petitioner in WP(MD).No.9635/ 2017
SILTER JEYAMANI	... Petitioner in WP(MD).No.9636/ 2017
DEVAKI AMMAL	... Petitioner in WP(MD).No.9637/ 2017
D.GOPI KRISHNA	... Petitioner in WP(MD).No.9638/ 2017
T.S.RAMASUBRAMANIYA RAJA	... Petitioner in WP(MD).No.9639/ 2017
T.S.RAMASUBRAMANIYA RAJA	... Petitioner in WP(MD).No.9640/ 2017
S.PARAMAGURU	... Petitioner in WP(MD).No.9641/ 2017
M.P.DESINGU RAJA	... Petitioner in WP(MD).No.9642/ 2017
R.NEELA DEVI	... Petitioner in WP(MD).No.9643/ 2017
P.MARIYAMMAL	... Petitioner in WP(MD).No.9644/ 2017
N.S.S.MUTHUKRISHNAN	... Petitioner in WP(MD).No.9645/ 2017
M.P.DESINGU RAJA	... Petitioner in WP(MD).No.9646/ 2017
S.SUBIYAN MOHAMED	... Petitioner in WP(MD).No.9647/ 2017



VIJAYAKUMAR ... Petitioner in WP(MD).No.9648/ 2017
THANGA MUNIYANDI ... Petitioner in WP(MD).No.9649/ 2017
M.VISHUNU SANKAR ... Petitioner in WP(MD).No.9650/ 2017
MARKIS ... Petitioner in WP(MD).No.9651/ 2017
V.ARIVOLI ... Petitioner in WP(MD).No.9652/ 2017
M.P.DESINGU RAJA ... Petitioner in WP(MD).No.9653/ 2017
BHUVANESWARI ... Petitioner in WP(MD).No.9654/ 2017
T.PANNEERSELVAM ... Petitioner in WP(MD).No.9655/ 2017
SARAVANA ... Petitioner in WP(MD).No.9656/ 2017
VEERAPANDIAN ... Petitioner in WP(MD).No.9657/ 2017
T.MALLIGAIPPOO ... Petitioner in WP(MD).No.9658/ 2017
A.SANTHANAM ... Petitioner in WP(MD).No.9659/ 2017
S.SANTHOSH KUMAR ... Petitioner in WP(MD).No.9660/2017
GNANA ARUL CHINNAPPAR ... Petitioner in WP(MD).No.9661/ 2017
A.GANESA RAJA ... Petitioner in WP(MD).No.9662/ 2017
R.NEELA DEVI ... Petitioner in WP(MD).No.9663/ 2017
M.CHANDRA MOHAN ... Petitioner in WP(MD).No.9664/ 2017
MARIYAPPA PILLAI ... Petitioner in WP(MD).No.9665/ 2017
M.P.DESINGU RAJA ... Petitioner in WP(MD).No.9666/ 2017
THANGA MUNIYANDI ... Petitioner in WP(MD).No.9667/ 2017
R.VINCENT ... Petitioner in WP(MD).No.9668/ 2017
K.PALANIVEL RAJAN ... Petitioner in WP(MD).No.9669/ 2017
K.MURUGESAN ... Petitioner in WP(MD).No.9670/ 2017

R.56, RAJAPALAYAM CO-OPERATIVE MILK SUPPLY SOCIETY LTD.,
96,KAMARAJAR NAGAR, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT,

REP. BY ITS PRESIDENT. ... Petitioner in WP(MD).No.10842/ 2017
MAHALAKSHMI MUTHU ... Petitioner in WP(MD).No.11281/ 2017
ARJUNAN ... Petitioner in WP(MD).No.11282/ 2017
NEERATHILINGAM ... Petitioner in WP(MD).No.11507/ 2017
VIJAYA LAKSHMI ... Petitioner in WP(MD).No.11508/ 2017
MATHIYAZHAGAN ... Petitioner in WP(MD).No.11509/ 2017
A.RAMALAKSHMI ... Petitioner in WP(MD).No.12547/ 2017



THE COMMISSIONER, RAJAPALAYAM MUNICIPALITY, RAJAPALAYAM TOWN ,
VIRUDHUNAGAR DISTRICT.

... Respondents in WP(MD).Nos.9333 to 9342/2017, WP(MD)
Nos.10842/17, WP(MD)No.11281/17, 11282/2017 and WP(MD)
No.12547/2017

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THE RAJAPALAYAM MUNICIPALITY,

REP BY ITS COMMISSIONER, RAJAPALAYAM,

VIRUDHUNAGAR DISTRICT

.. Respondents in WP(MD)Nos.9634

to 9670/2017, WP(MD)Nos.9346/17, WP(MD)Nos.11507 to 11509/2017

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 Certiorified Mandamus to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 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 WP(MD). 9334/ 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 Certiorified 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 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 Certiorifi to call for the records relating to the impugned order of the respondent in Na.Ka.No.A1/947/15 dated 07.04.17 amd to quash the same

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 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 .

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 .

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.

Prayer in WP(MD). 9340/ 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 .

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 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 Certiorified 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 WP(MD). 9346/ 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 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.

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Prayer in WP(MD). 9634/ 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.A 1/947/15 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 WP(MD). 9635/ 2017 :

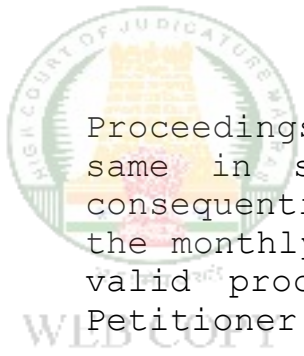
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A 1/947/15 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 WP(MD). 9636/ 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.A 1/947/15 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 WP(MD). 9637/ 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.A 1/947/15 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 WP(MD). 9638/ 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 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 WP(MD). 9640/ 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 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 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 rent after determining the market rate by adopting a valid procedure and after affording a due opportunity to the Petitioner.

Prayer in WP(MD). 9642/ 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 the consequential impugned proceedings dated 03/05/2017 in Na.Ka.No.A1/947/15 and quash the same insofar 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 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 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 WP(MD). 9645/ 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 WP(MD). 9646/ 2017 :

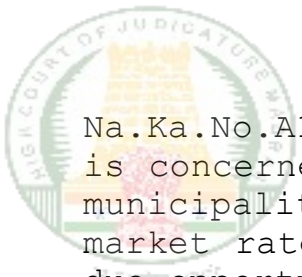
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ, Order or direction in the nature of writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 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 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 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.

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Prayer in WP(MD). 9649/ 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 WP(MD). 9650/ 2017 :

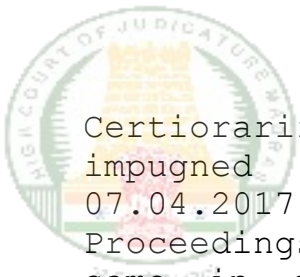
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, direction in the nature of Writ calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and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

[https://hccasecourts.gov.in/WP\(MD\)/](https://hccasecourts.gov.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 WP(MD). 9653/ 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.A 1/947/15 and consequential Impugned Proceedings dated 03.05.2017 in Na.Ka.No.A 1/947/15 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 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 WP(MD). 9655/ 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 WP(MD). 9656/ 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 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 WP(MD). 9658/ 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 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 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 WP(MD). 9661/ 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 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 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 WP(MD). 9664/ 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 WP(MD). 9665/ 2017 :

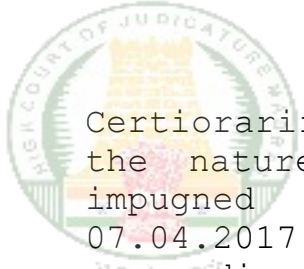
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent municipality dated 07.04.2017 in Na.Ka.No.A1/947/15 and consequential Impugned Proceedings 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 WP(MD). 9666/ 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 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.

<https://hccourts.in/wibcopi/> WP(MD). 9667/ 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 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 WP(MD). 9669/ 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 WP(MD). 9670/ 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 WP(MD). 10842/ 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 pertaining to the impugned notice of the respondent passed in No.RCA1/947/15 dated 07.04.2017 increasing the rent of Rs.10,000/- from April 2016 onwards during the existing lease period, upto March 2018 and to quash the same and also direct the respondent to renew the lease only from the month of April 2018 as per the said G.O. and accordingly fix the reasonable increase the rent based upon the present rent amount after due process of law.

Prayer in WP(MD). 11281/ 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 pertaining to the impugned order in Na.Ka.No.A1/947/15 dated 07.04.2017 and quash the same as illegal, arbitrary and without jurisdiction and consequently forbear the respondent from revising the rent until the expiry of license period i.e. till 31.03.2018.

Prayer in WP(MD). 11282/ 2017 :

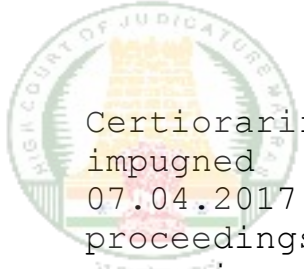
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.A1/947/15 dated 07.04.2017 and quash the same as illegal, arbitrary and without jurisdiction and consequently forbear the respondent from revising the rent until the expiry of license period i.e. till 31.10.2018.

Prayer in WP(MD). 11507/ 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.

[https://hccourts.mv.in/WP\(MD\). 11508/ 2017 :](https://hccourts.mv.in/WP(MD). 11508/ 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 WP(MD). 11509/ 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.A.1/947/15 and consequential impugned proceedings dated 03.05.2017 in Na.Ka.No.A.1/947/15 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 WP(MD). 12547/ 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 in pursuant to the impugned orders in Na.Ka.No.A1/947/15 dated 07.04.2017 and Na.Ka.No.A1/947/15 dated 03.05.2017 and consequential tender / auction notification issued by the Respondent in vide proceedings in Ve.No.132/Se.ma.Tho.A/17 dated 20.06.2017 and same was published in Daily thanthi dated 21.06.2017 in respect of petitioners shop and quash the same.

For Petitioners

in WP(MD)Nos.9346,9634,9635 to 9670/2017

& 11507 to 11509 of 2017 : Mr.R.Gowrishankar

For Petitioners in

WP(MD)Nos.9333 to 9342/2017

: Mr.M.Thirunavukarasu
for Mr.H.Arumugam

For petitioner in

WP(MD)Nos.11281 and 11282 of 2017

: Mr.K.N.Balasubramanian

For Petitioner in

WP(MD)No.10842 of 2017

: Mr.P.Chandra Bose



For Petitioner in
WP(MD)No.12547 of 2017

: Mr.K.K.Ramakrishnan for
Mr.S.Manickam

For Respondent
[in all cases]

: Mr.N.Dilip Kumar

WEB COPY

COMMON ORDER

Challenge in these writ petitions is the re-fixation of the license fee by the respondent municipality and also offering licensees to continue the lease.

2.Undisputedly, the respondent municipality is the owner of the shops, buildings and other vacant lands in the Rajapalayam old bus stand and also in the Mudangiar Road. Some of the petitioners have participated in the auction for taking the shops on lease and the rest were found to be in possession of the shops as sub lessees. However, pursuant to the resolution passed by the respondent municipality, they also became licensees of the municipality.

3.The respondent municipality by the impugned notice, re-fixed the license amount in respect of the shops occupied by the petitioners and directed them to submit their willingness to continue the lease, either accepting the proposed license fee or surrender their possession to the respondent municipality.

4.The main grievance expressed by the petitioners is that the proposed rent is exorbitant and on the higher side, which was fixed without any basis and also without providing opportunity to them.

5.It is also contended by the petitioners that the consolidated period of nine years as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 is not yet over, therefore, they should be allowed to continue to enjoy the remaining period.

6.It is the case of the respondent municipality that the petitioners/licensees of the shops, buildings and vacant space of the respondent municipality were paying meagre amount towards license fee and they have been in possession for more than decades together. Hence, in terms of G.O.Ms.No.92, license fee has been re-fixed and benefits of the Government Order is subject to compliance of the conditions by the licensees and if the license-holder is not willing to accept the shops on the proposed market rate, he is always at liberty to take part in the action.

7.I have heard Mr.R.Gowrishankar, Mr.M.Thirunavukarasu, Mr.K.K.Ramakrishnan, Mr.P.Chandra Bose and Mr.K.N.Balasubramanian, learned counsel for the petitioners and Mr.N.Dilip Kumar, learned counsel for the respondent and perused the materials available on record.



8.The learned counsel for the petitioners would contend that the proposed rent is more than 600 to 1000 percentage of the existing rent and the respondent is obliged to fix a reasonable and fair rent based on the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act. The learned counsel would further submit that in the year 2015, the respondent has renewed the lease, which would expire in the year 2018, but in the meanwhile, the impugned orders demanding the tenants to pay the enhanced rent with retrospective from 01.04.2016 came to be passed, hence, they are liable to be quashed by this court, placing reliance on the following decisions.

1.1977 SC 302 [New Delhi Municipal Committee vs. M.N.Soi & another],

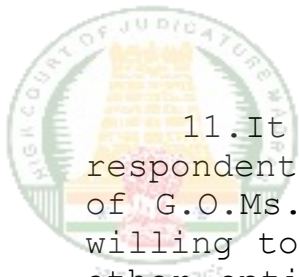
2.(1993)2 SCC 520 [Morvi Municipality vs. State of Gujarat & others],

3.(1998)4 SCC 398 [East India Commercial Co. Pvt. Ltd. vs. Corporation of Calcutta],

4.Unreported judgment made in WP(MD)Nos.22040 of 2016 batch, dated 07.04.2017.

9.Per contra, Mr.N.Dilip Kumar, learned counsel for the respondent would contend that the petitioners have been in possession of the shops of the respondent municipality for many number of years on payment of meagre amount. The licensees do not have any vested right to continue in a particular shop for eternity. The object of letting out the shops is to collect more revenue for the respondent municipality, which is meant to be used for welfare measures. It is the mandatory duty of the municipality to provide basic and several other infrastructural facilities to the residents and to meet such huge expenditure, the municipality requires a huge sum of money.

10.It is further submitted that in Rajapalayam Municipality Solid Waste Management Scheme, Drinking Water Renaissance Scheme and other public welfare schemes are being implemented by getting financial assistance from the Central and State Governments. The cost of the schemes comes to Rs.183.78 crores and the respondent municipality is bound to pay its contribution of Rs.21.42 crores towards these schemes. The present annual revenue from 94 items of land, buildings and shops is Rs.22,10,568/- and the expected annual rent by bringing these shops for public auction is Rs.1,25,36,000/-. Moreover, the municipality will receive



11.It is contended that taking note of above facts, the respondent municipality has refixed the license fee in the light of G.O.Ms.No.92, dated 03.07.2007 and if the petitioners are not willing to accept the amount fixed by the respondent, they have no other option, except to take part in the public auction. In view of the above facts, the petitioners are not entitled for any personal hearing and there is no violation of principles of natural justice and the provisions of the Rent Control Act would not apply for fixing the license fee.

12.Mr.M.Thirunavukarasu, learned counsel for petitioners would submit that in respect of the writ petitions filed by his clients, they paid Rs.1000/- in the year 2015 for renewal of the licence, thereby their lease was extended till 2018. So, in the meanwhile, the respondent has no authority to issue the impugned notice demanding enhanced rent with retrospective effect. However, the learned counsel fairly accepted that there is no written deed for renewal of license.

13.On the other hand, Mr.N.Dilip Kumar, learned counsel for the respondent has submitted that the licence in respect of all the writ petitioners, expired on 31.03.2016, hence, the respondent has claimed proposed rent from 01.04.2016.

14.The issue involved in this case is no longer *res intera*. This court in the judgments referred *infra* have consistently taken the view that the licensees of the municipal shops have no vested right to seek renewal of licence in perpetuity and the shops/buildings of the Local Bodies to be put in public auction with an object to augment more revenue and also to provide opportunity to general public to participate in the auction.

15.The Division Bench of this court in the decision in *A.Sathar Vs. The District Collector, Coimbatore and Another* (AIR 1998 MAD 217), (*A.R.Lakshmanan, J & P.Thangavel, J*), it is observed as follows:-

"...We are of the view that the appellant has no vested right to continue in occupation of the premises in question belong to the second respondent/panchayat which is entitled to lease out the properties owned by it by public auction. As rightly pointed by the learned single judge, properties owned by the Municipality are also a source of revenue to the Municipality and the interest of the Municipality has to be balanced as against the interest of the shop owner lessee. It cannot be disputed that the lessees may also be entitled to a fair terms and the Government, had,



therefore, allowed the lessees to continue their occupation for a second term. As already seen the appellant was given extension of lease period from time to time from the year 1988 to 31.02.1997 on terms. Even the last lease was extended for three years by enhancing the rent by 30 per cent. Under these circumstances, it is not fair on the part of the appellant to ask for the extension of the lease for further term of three years from 01.04.1997 to 31.03.2000 on an enhancement of 15 per cent of the previous rent. The extension granted earlier by the Panchayat, to the appellant would not mean that the appellant is entitled to continue in possession of the premises in question for ever by paying ridiculously low rent. We are of the view that the extension of the lease to the appellant is against the interest of the Panchayat. As already noticed the rental income from the properties owned by the Panchayat is one of the sources of income of the Panchayat. Therefore, the interest of the Panchayat cannot be jeopardized by permitting the appellant to continue in possession of the premises in question at the enhanced rate of 15 per cent as prayed for. There are absolutely no merits in this writ appeal and the same is dismissed."

16. In the case of O.A. Nowshad Farooq vs. The Commissioner, Tirunelveli Municipal Corporation, Tirunelveli and another (W.P(MD) No.3535 of 2009, dated 30.04.2009), reported in Indiankannon.org/doc/1721899/ K.K.Sasidharan, J has held that the petitioner is not entitled for an automatic renewal of his licence on the basis of the Government Order in G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 as well as the Government Order in G.O.Ms.No.181, Municipal Administration and Water Supply Department, dated 19.09.2008. It is also observed that the Government Order is not applicable to the existing licensees and thereby, licence would be renewed for a further period and there is no such condition incorporated in the Government Order, which gives a right to the existing licensees for an automatic renewal. Mr. Justice R. Sudhakar in a batch of writ petitions in W.P.No.1336 of 2010 etc., dated 15.03.2010, has taken the same view.

17. In WA(MD) No.546 of 2010, dated 19.08.2010 (P.Ravi vs. 1. Madurai City Municipal Corporation Council, represented by its Hon'ble Mayor, Madurai City Municipal Corporation, Tallakulam, Madurai and another, the Division Bench of this court and M. Duraisamy, J] has observed in para 6 as follows:-



"6. In the award of public largesse, particularly involving the revenue, the municipal Corporation should have the paramount interest of augmenting the revenue. We may also point out that even in case of the Government Orders granting such benefit, those Government Orders should be considered and interpreted to be of advantage of the Corporation and not to the licensee. This again is on the principle of augmenting the revenue to the Corporation. As the appellant had not satisfied this Court as to his entitlement for the renewal of licence for a further period of two years, though he has relied upon the Government Order dated 25.5.2009, we are not inclined to accept the said contention and in that view, we do not find any reason to interfere with the order of the learned single Judge. Accordingly, the writ appeal fails and the same is dismissed. Consequently, M.P(MD)No.1 of 2010 is also dismissed. No costs."

18. In 2010(1) CTC 584, (P.N.Chinnasamy and 13 another vs. The Assistant Director of Town Panchayat, Coimbatore District, Coimbatore and 10 others), V.Dhanapalan, J has held in paragraphs 17 and 18 as follows:-

"17. The ratio laid down by the Supreme court in the case of Ram and Shyam Company vs. State of Haryana and others (as stated supra) is that the disposal of public property partakes the character of a Trust in that in its disposal, there should be nothing hanky panky and that it must be done at the best price so that larger revenue coming into the coffers of the State administration would serve public purpose. This is subject to one limitation that socialist property may be disposed of at a price lower than the market price or even for a token price to achieve some defined constitutionality, recognized public purpose, to achieve the goals set out in Part IV of the Constitution. But where disposal is for augmentation of revenue and nothing else, the State is under an obligation to secure the best market price available in a market economy.

18. In the instant case, the respondent Town Panchayat being a local authority under the State has acted in a manner known to law as per the Government Order, which was for a laudable



object and it does not stipulate automatic extension of lease. Therefore, the petitioners cannot be allowed to squat over the property for years together without opportunity to others. The Government Order in G.O.Ms.No.92, dated 03.07.2007 clearly states that after the expiry of 9 years, the lease may be extended by revising the rent on the basis of the present market value. In the case on hand, the petitioners have claimed to renew their lease by accepting the rent at the rate of 15% enhancement only and not on the basis of the present market value, which otherwise prevents the augmentation of revenue to the Town Panchayat. In such a situation, the public auction on the notifications, dated 07.06.2010 and 16.08.2010, which has been transparently conducted to provide fair and equitably treatment of all tenderers and to eliminate irregularities, interference and corrupt practices by the authorities concerned, which is the aim and requirement of Article 14 of the Constitution, cannot be assailed. While that being so, this court cannot find any reasons to interfere with the notifications impugned in these writ petitions as per the ratio laid down by this court in the case of C.Jayanthi vs. The Commissioner, Mettur Municipality, Mettur Dam, Salem District and another (stated supra)."

19. In (2014) 5 MLJ 129 (P.Muthusamy Vs. State of Tamil Nadu), Division Bench of this court Satish K.Agnihotri, J and M.M.Sundresh J, has held as follows:-

"21. The object of letting out the shops is to collect more revenue for the respondent-Municipality, which is meant to be used for welfare measures. The Government Orders, as narrated above, are very specific about the purpose of auction followed by lease/licence. Since the transactions are commercial in nature, the petitioners, being licensees, cannot insist that the rent, which as they think, just and proper alone is liable to be paid. Since the licence is to be granted by the respondent-Municipality, while making offer, the said authority can impose its own terms in accordance with law. While accepting the said offer, the petitioners cannot insist that the condition attached therein cannot be imposed. A perusal of the Government Orders referred to above as



well as the orders impugned make it clear that the rent has been fixed based upon the prevailing market value and not otherwise. What has been given by way of extension to an existing licensee was only a concession. The subsequent extension has been made during the pendency of the writ petitions. The said decision was made in view of the undertaking given by the licensees. An undertaking was given in connection with the payment as well as on the withdrawal of the writ petitions. The Government orders also state that in the event of non compliance of the conditions imposed including the payment of appropriate rent, a licensee is liable to be removed.

22. The resolution has been passed after making detailed discussion and it was also passed as a consequence of the earlier order dated 14.12.2012 by which rent was fixed. Since the said rent so fixed was not paid, the respondent-Municipality was made to pass the impugned resolution. Therefore, it cannot be said that the impugned resolution has been unilaterally passed and as such, the said decision is in accordance with the Government Orders passed, which confer the power on the respondent-Municipality to take action towards the eviction from the shops in the event of non payment of rent payable. The extraction of the related paragraphs of the resolution would clearly show that relevant materials have been taken into consideration while passing the same. The respondent-Municipality has got its own duty and obligation to perform. Appointments will have to be made to the public office and salaries will have to be paid. Money will have to be spent towards the welfare measures. The assessment made also indicates that the proposed auction would bring more money. The best way to get the maximum revenue is by way of public auction. This will also create a level playing field enabling others to participate along with the petitioners/licensees. Therefore, we do not find any arbitrariness in the action of the respondent-Municipality. The reliance made by the petitioners on the communication dated 12.03.2009 cannot be accepted since it cannot overreach the Government Orders which speak of removal when conditions are not complied with. The fact that the Commissioner of Municipal Administration directed the



respondent-Municipality to fix the market rent as the rent payable based upon the Government would also show that there is no quarrel with the position that the market rent shall be the basis for the fixation of the rent payable by the licensees. In any case, the petitioners, being the defaulters, cannot contend that they should be allowed to continue forever. As the orders impugned have been passed by taking into consideration of the relevant materials, we do not find any room for interference."

20. Similar issue came up in the case of *M.Periya Samy vs. The Assistant Director of Town Panchayats, Madurai, Madurai District and The Executive Officer, T.Kallupatti Town Panchayat, T.Kallupatti, Madurai* reported in Indiankannon.org/doc/21280938. In that case, the shops situated in T.Kallupatti Town Panchayat Bus Stand Commercial Complex was auctioned in the year 2012 for a period three years and after expiry of the licence period, the local authority issued a notification for a fresh auction, which was challenged contending that the existing licensee is entitled for extension of licence period as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. In that case, the Division Bench of this court (Justice S.Manikumar and Justice G.Chockalingam) held that the licence period is only for three years and after expiry of the same, it is for the local authority, to decide, as to whether extension of the lease has to be made, by upward revision of lease amount, as per the terms and conditions of the Government Order or to go for public auction, to augment more revenue. Holding so rejected the case of the licensees.

21. Following the decision reported in 2014(5) MLJ 129 in the case of *P.Muthusamy vs. State of Tamil Nadu, V.Ramasubramanian, J* in the case of *C.Vinoba Vs. The Commissioner, Palladam Municipality* (2015(3) CTC 170), directed the respondent municipality to put the shops to fresh auction with a view to find out the fair market rent.

22. In a recent judgment reported in (2016)3 MLJ 698 in the case of *P.P.M.S.C.L.W.Assn. vs. Commissioner, a Division Bench Satish K.Agnihotri J and M.Venugopal, J*, after considering a number of decisions of this court as well as the Supreme court, in para 26, held as follows:-

"26. There is no two option of a vital fact that the 2nd respondent/Municipality is the competent/appropriate authority to determine what rent a particular shop of the Panchayat may fetch and it is well settled principle in Law that a lease cannot be extended much to the detriment of panchayat and in any event, the panchayat cannot be a loser on any score."



23. This court in the decision reported in (2014) 5 MLJ 129 has held that the provisions of Tamil Nadu Buildings (Lease and Rent Control) Act does not apply to the case on hand. It is also brought to the knowledge that in W.P.No.3635 of 2008, this court has granted interim stay of operation of the G.O.Ms.No.92, dated 03.07.2007 on the ground that pursuant to the Government Order, there was no amendment made to the Rules, to give effect to the Government Order and the order of stay is still in force.

24. The reliance placed by the learned counsel for the petitioners reported in AIR 1977 SC 302, 1993(2) SCC 520 and 1998 (4) SCC 368 arise out of the cases relating to fixation of property tax by the respective municipalities. Hence, they have no application to the facts of this case. A single Judge of this court in a batch of writ petitions in W.P.(MD)Nos.22040 of 2016 etc., dated 07.04.2017 issued directions to fix the fair rent by following section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act. In view of the judgments of the Division Bench and single Judges of this court referred to supra, with great respect, I am not able to follow the view taken by the Hon'ble single Judge made in W.P(MD)Nos.22040 of 2016 etc.

25. In the case on hand, it is the specific case of the respondent municipality that the licence period in respect of all petitioners came to an end on 31.03.2016. It is to be noted that in the affidavit filed in support of the writ petitions, no averment has been made, when the shops were brought for public auction and when they were inducted as licensees of the shops. It is specifically stated by the respondent municipality that the petitioners have been in possession of the shops for decades. Since, no material has been produced to show that they are entitled for renewal of licence for 9 years as per G.O.Ms.No.92, this court is not able to accept the contention raised by the petitioners.

26. Further, the respondent has contended that the Rajapalayam Municipality proposed to implement new schemes for the welfare of the public at the cost of 183.78 crores and its contribution comes to Rs.21.42 crores. It is further stated that the present annual income from the shops of the respondent municipality is around Rs.22,10,568/- and if it is put into public auction, the municipality is expected to get income of Rs.1,25,36,000/- .

27. The Hon'ble Apex Court as well as this court have rightly observed that the object of letting out the shops is to collect more revenue for the respondent municipality, therefore, the public property is to be put into auction by inviting tender from the municipality to obtain the highest offer in a fair and transparent manner and then only, the respondent municipality could augment its revenue to the optimum level.



Further, the interest of the respondent municipality cannot be jeopardized by permitting the petitioners to continue in possession of the premises for perpetuity.

28. Keeping in mind the ratio laid down in the above decisions and the facts of this case, this court does not find any reason to quash the order impugned in the writ petitions. In that view, all the writ petitions are liable to be dismissed and they are, accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Rajapalayam Municipality,
Rajalaya Town,
Virudhunagar District

+One cc to Mr.R.Gowrishankar, Advocate, SR.No.64738

+10ccs to Mr.H.Arumugam, Advocate, SR.No.64477

+2ccs to Mr.S.Manickam, Advocate, SR.Nos.64693 and 64504

+3ccs to Mr.N.Dilipkumar, Advocate, SR.Nos.64492 to 64494

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RL/18C/26P/KK/SAR1/27/7/2017

W.P.(MD)Nos.9333 to 9342, 9346,
9634 to 9670, 10842, 11281 & 11282,
11507 to 11509 and 12547 of 2017

&
WMP(MD)Nos.8861 of 2017 etc.
10.07.2017