



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) Nos.23727 to 23736 of 2016

and

W.M.P (MD) Nos.17061 to 17071 of 2016

V.KARPAGARAJ	... PETITIONER IN WP (MD) No.23727/2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) No.23728/ 2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) .No.23729/ 2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) .No.23730/ 2016
A.MAHALINGAM S/O.ARUMUGAM	... PETITIONER IN WP (MD) .No.23731/ 2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) .No.23732/ 2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) .No.23733/ 2016
V.KARPAGARAJ S/O.V.MARIMUTHU	... PETITIONER IN WP (MD) .No.23734/ 2016
K.ALAGURAJA S/O.KATHIRESAN	... PETITIONER IN WP (MD) .No.23735/ 2016



S/O. KRISHNASAMY

... PETITIONER IN WP(MD).No.23736/ 2016

Vs.

The Commissioner cum Special Officer,
Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District

... Respondent in all WP's

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned notice of the respondent in Na.Ka.No. 109/2016/A3 dated 27.10.2016 and quash the same for Shop No.26, 10M, 15M, 9, 23, 11M, 8, 25, 16M, 14 respectively.

For Petitioner : Ms.Porkodi Karnan for
M/s.Polax Legal Solutions

For Respondent : Mr.P.Srinivas

COMMON ORDER

These writ petitions have been filed seeking a Writ of Certiorari to quash the impugned notice of the respondent in Na.Ka.No.109/2016/A3, dated 27.10.2016.

2. Since the issue involved in all these writ petitions is one and the same, these writ petitions are taken up together for hearing and are being disposed of by this common order.

3. The case of the petitioners is that they were allotted certain shops in the Muthuramalingathevar Daily Market Complex, owned by the respondent Municipality. They were in possession and enjoyment of the same and they were regularly paying the rent without any default. While so, the grievance of the petitioners is that the respondent without giving any opportunity, passed the present impugned order in Na.Ka.No.109/2016/A3, dated 27.10.2016, enhancing the rent amount exorbitantly, for their shops bearing Nos. 8, 9, 10M, 11M, 14, 15M, 16M, 23, 25 & 26 respectively, situated at Muthuramalingathevar Daily Market Complex. Aggrieved thereby, the petitioners are before this Court.

4. Heard the learned Counsel appearing for the petitioners and the learned Counsel appearing for the respondent.

5. This Court, in similar circumstances, in *R.Umayaraj vs. The Commissioner, Kovilpatti Municipality, and etc., batch, in W.P. (MD) Nos. 22040 to 22063 of 2016 and etc., batch, passed an order dated 07.04.2017*, wherein, it is held as follows:



..."19. Under such circumstances, the impugned orders issued by the respondent shall be treated as show cause notices by each of the petitioners respectively. Each of the petitioners shall submit their written objections and on receipt of such objections, the respondent, after giving sufficient and reasonable opportunity of hearing, shall fix the fair rent by following:

(a) Section 4 of the said Act (in cases where building has been build up by the respondent);

(b) the basic principles, based upon which Section 4 of the Act has been built up (wherever building has been build up by the petitioner himself); and

(c) just and equitable considerations, respectively, depending upon the applicability in each of the cases (where there is no building at all)" ...

6. Following the same, these writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner cum Special Officer,
Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

+One cc to M/s.Polax Legal Solutions, Advocate, SR.No.67820

+One cc to Mr.P.Srinivas, Advocate, SR.No.68258

gk/rsb

RL/4C/3P/KP/SAR1/10/8/2017

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