

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.Nos.1020 to 1026 of 2018

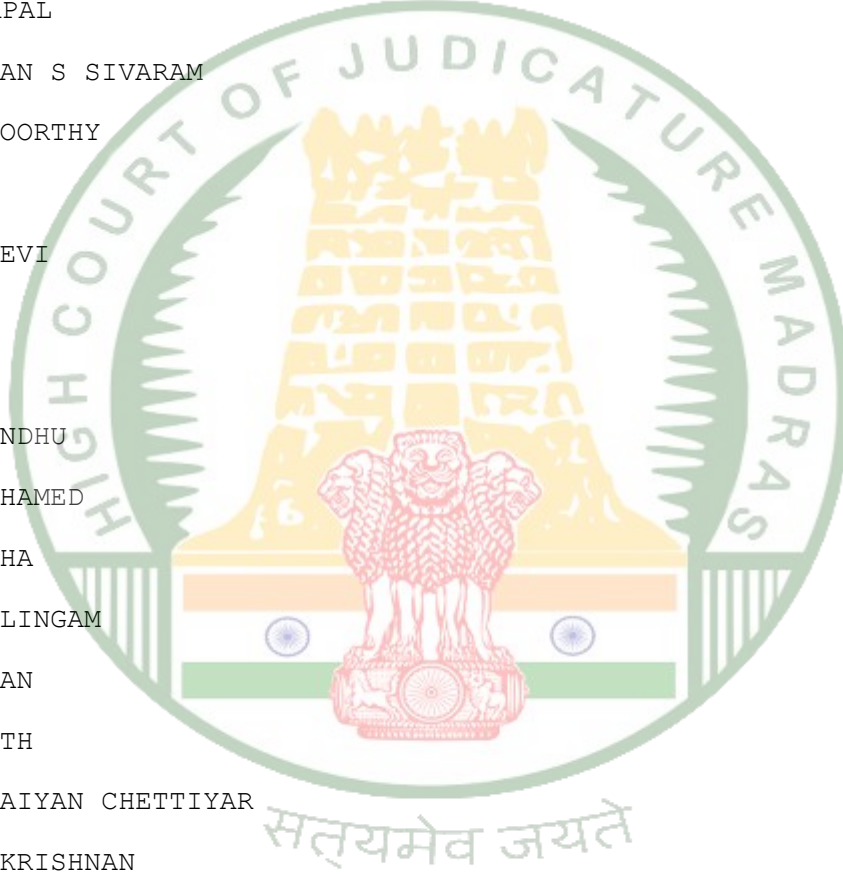
& CMP Nos.8592 to 8605 of 2018

and

W.A.Nos.1090 to 1093 of 2018

& CMP Nos. 8955 to 8962 of 2018

- 1 M.A.JAYAPAL
- 2 S.PRATHABAN S SIVARAM
- 3 T.SARAVAMOORTHY
- 4 V.R.MOHAN
- 5 MANJULA DEVI
- 6 P.PERUMAL
- 7 T.N.MANI
- 8 V.MARGABANDHU
- 9 J.JAVID AHAMED
- 10 K.VASANTHA
- 11 N.DHARMALINGAM
- 12 V.S.NATHAN
- 13 H.GOPINATH
- 14 P.VELLAIYAN CHETTIYAR
- 15 G.RAMAKRISHNAN
- 16 G.DAYALAN
- 17 N.BOOBALAN
- 18 N.BOOBALAN
- 19 K.AHMADULLAH SAHIB
- 20 V.D.KANNAPPA MUDALIYAR
- 21 H.GOPINATH
- 22 R.SANKAR



WEB COPY

23 R.SIVAKUMAR
24 R.GOPALAKRISHNAN

... PETITIONER IN WA. 1020 OF 2018

1 MERRY STELLAH
2 N. SHANMUGAM
3 GOVINDARAJ
4 M. DOSS
5 R. PICHANDI
6 R. SANTHOSH
7 P.E. MATHESH
8 P.E. BHUVANESHWARI
9 R. RAMANAN
10 R. ELANGO VAN
11 S. THIYAGARAJAN
12 M. GAJENDRAN

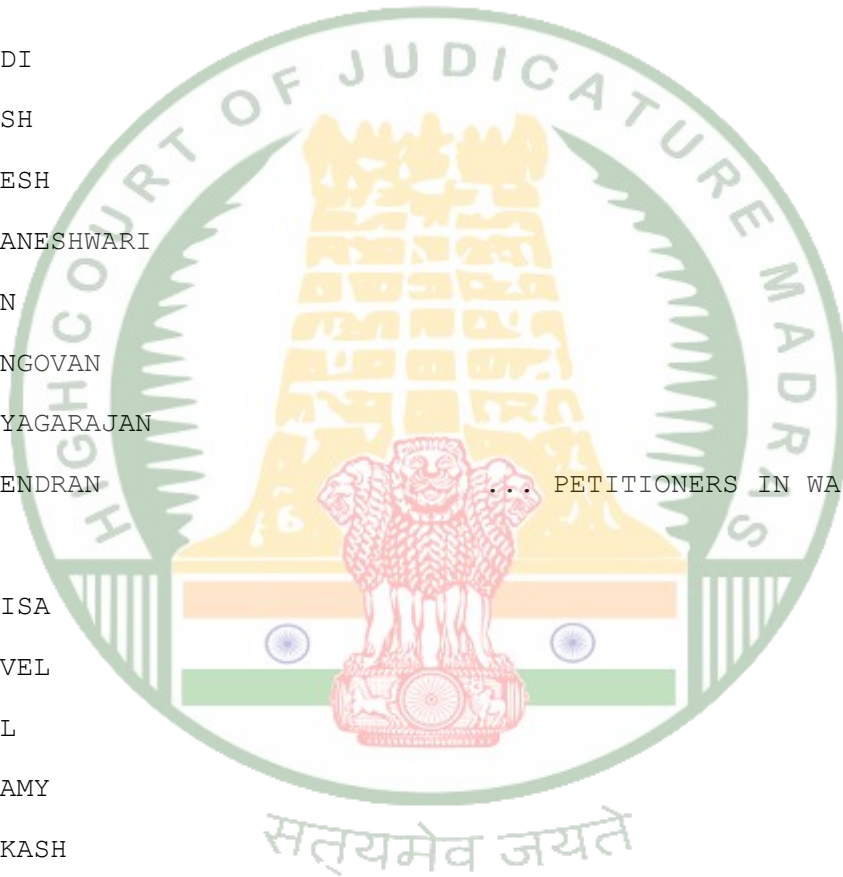
... PETITIONERS IN WA.1021 OF 2018

1 M.HAFEZUNISA
2 L.PALANI VEL
3 K.THIRUMAL
4 R.PALANISAMY
5 P.JAYAPRAKASH
6 K.THIRUMAL

7 E.RAJI @RAJASEKARAN
8 S.RAJASEKARAN

... PETITIONERS in WA No.1022 of 2018

1 K. RAJALAKSHMI
2 M. MASHAR BASHA
3 M. MASHAR BASHA



WEB COPY

4 T. LOGANATHAN

5 M. ANNADURAI

6 N. KRISHNAN

7 B. GAJENDRAN

... PETITIONERS in WA No.1023 of 2018

1 S.SUBRAMANI RAO

2 G.NEDUMARAN

3 S.R.SUBRAMANI RAO

4 P.BOOPATHY AND P.DEEPAN

5 S.SIVANANDHAM

6 G.KUMAR

7 V.K. JAYABALAN

8 A.S.ASHRAF

9 A. MOHAMED ALI

10 K.MATHIMARAN

11 V.T. DURAIVEL

12 S.SWAMY

13 S. KOUSALIYA DEVI

14 S.RAGURAMAN

15 C.JAYAKUMAR

16 M.PRAMILA

... PETITIONERS in WA No.1024 of 2018

1 G. ANBALAGAN

2 JALALLUTHIN

3 KUTHARATHULLAH

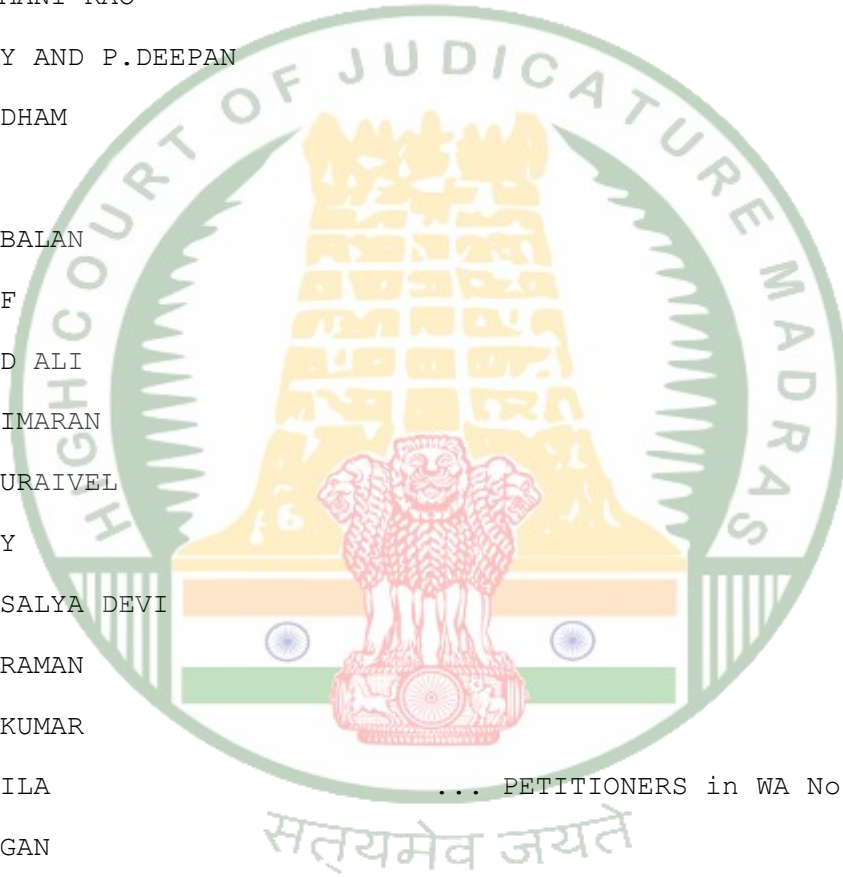
... PETITIONERS in WA No.1025 of 2018

1 D.S. RAMESH

2 V.N. RAVI

3 P. ANVER BASHA

4 V.G. RAMAMOORTHY



WEB COPY

5 H. HARUN RASHETH

6 P MOHAMMED ALI

7 K. KUMAR

8 G. SHANKAR

9 B SUJATHA

10 G. VENKATESAN

11 B.M.D. KALEELULLAH

12 B. VASU B. BABU

13 A. SYED SUBBAIR AHMED

14 I. SYED RIYAZ AHMED

15 A. RAJAGOPAL

16 P. NAVEEN KUMAR

17 S. DEVIKA

18 V.G. KUMAR

19 S. MALLIGA

20 K. GUNASUNDARI

21 SYED MURTAZA

... PETITIONERS in WA No.1026 of 2018

1 P.PAZHANI

2 V.GOKULAKRISHNAN

3 T.SARAVANAMOORTHY

4 P.V.RAMALINGAM

5 P.KAMALAKANNAN

6 A.SARAVANAN

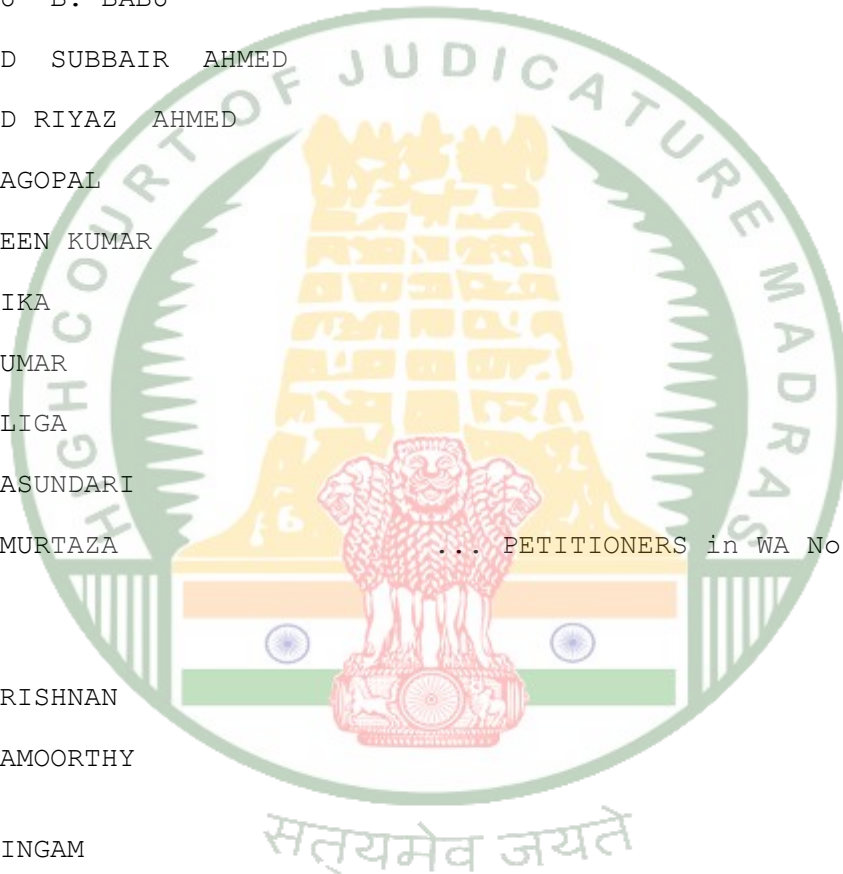
7 V.S.SUNDAR

8 K.A.MUSTHAK AHMED

9 A.P.MOHAMMED NABEEL

10 P.NITHYANANDAMURTHY

11 M.GOVINDARAJPILLAI



WEB COPY

12 M.MANJUKUMAR

13 A.SIVAKUMAR

14 A.SARAVANAN

15 B.KOTTESWARAN

16 M.GOVINDARAJ

17 C.MOORTHY

18 G.YUVARAJ @ VARUN CHANDRAN

19 R.KESAVAN

20 K.A.KRISHNAN

21 M.GOVINDARAJA ... PETITIONERS in WA No.1090 of 2018

1 G.MURUGESAN

2 V.P.DHANDAPANI

3 P.BABU

4 N.JAYARAJ

5 S.RAJENDRAN

6 K.RAGURAJ

7 N.LOGANATHA

8 B.DHANASEKARAN

9 K.BALAKRISHNAMOORTHY

10 M.MAGALINGAM

11 A.PICHANDI

12 A.SHANKAR

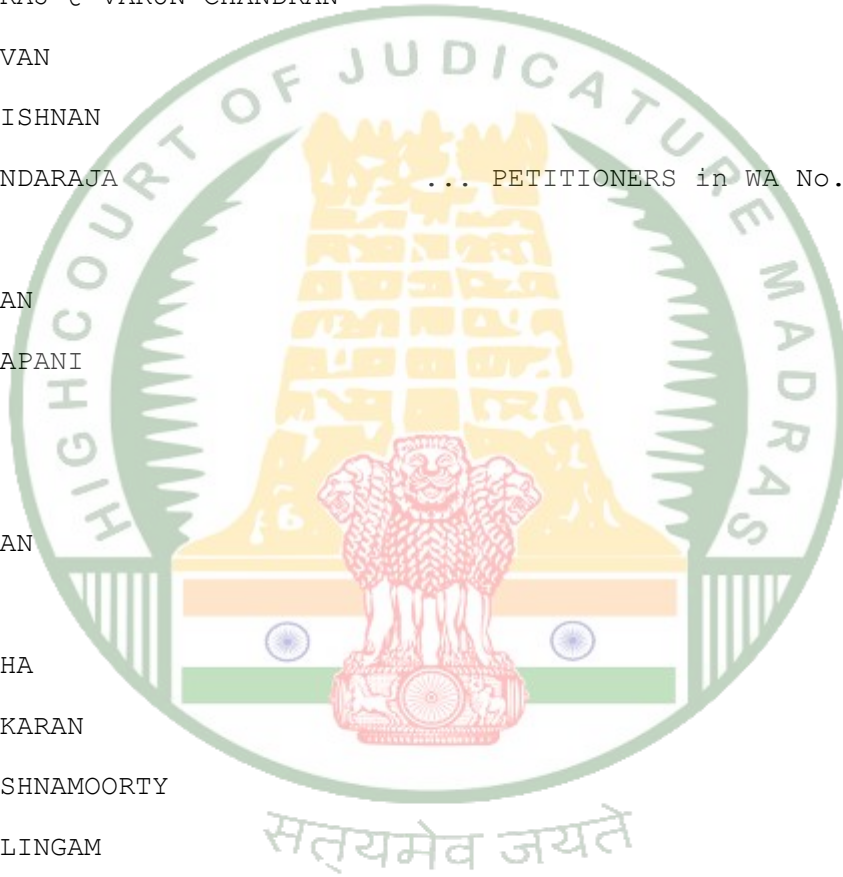
13 A.EKAMBARAM ... PETITIONERS in WA No.1091 of 2018

1 B.VASU

2 K.MOHAMED FAIZAL

3 S.GOPINATH

4 S.PALANI



WEB COPY

5 R.PICHANDI

6 K.RAJALAKSHMI

7 V.K.SADIQBASHA

8 K.MOHAN PANEERSELVAM

9 J.V.MONOHARAN N.PADAMANABAN

10 S.RAMESH BABU

11 N.ARJUNAN

12 S.NANDAKUMAAR

13 S.MOHAMMED FAHEEM ... PETITIONERS in WA No.1092 of 2018

1 MANICKAMUDALI AND SONS

2 V.P.MUQTHIYAR AHAMED

3 S.BALAJI

4 G.R.MANI SING

5 N.GNANAPRAKASAM

6 S.BALAJI

7 K.BHARATHIDHASAN

8 V.MANONMANI@AMMU

9 B.JAGANATHAN

10 G.VIJAYAN

11 G.DHANDAPANI

12 M.ABUL HUSSIAN

13 G.S.IYAPPAN

14 R.KUMAR

15 R.ELANGOVAN ... PETITIONERS in WA No.1093 of 2018

vs

THE SECRETART TO GOVERNMENT,
MUNICIPAL ADMINISTATION AND WATER SUPPLY,
DEPARTMENT, FORT.ST GEORGE, CHENNAI 600 009.

... 1st RESPONDENT IN WA.1020 to 1026, &
1090 to 1093

THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
MUNICIPAL ADMINISTRATION DEPARTMENT,
EZHILAGAM, CHEPAUK, CHNNAI 600 005.

... 2nd RESPONDENT IN WA. 1020 to 1026,
1090 to 1093

THE REGIONAL DIRECTOR OF MUNICIPAL ADMINISTRATION
SARATHI NAGAR, KAKITHAIPATTARAI,
VELLORE 12

... 3rd RESPONDENT IN WA. 1020, 1021, 1091/18

THE DISTRICT COLLECTOR,
VELLORE DISTRICT, VELLORE

... 4th RESPONDENT IN WA. 1020, 1021, 1091/18

THE COMMISSIONER,
VELLORE CORPORATION, VELLORE.

... 5th RESPONDENT IN W.A.1020, 1021/18
... 3rd RESPONDENT IN W.A.1022/18
... 3rd RESPONDENT IN W.A.1023/18
... 3rd RESPONDENT IN W.A.1024/18
... 3rd RESPONDENT IN W.A.1025/18
... 3rd RESPONDENT IN W.A.1026/18
... 3rd RESPONDENT IN W.A.1090/18
... 3rd RESPONDENT IN W.A.1092/18
... 3rd RESPONDENT IN W.A.1093/18

6 A.LAKSHMIPATHI (GIVEN UP)

7 A.VARATHARAJ PERUMAL (GIVEN UP)

... RESPONDENTS 6 & 7 IN WA.NO.1020/2018 R6 & 7 GIVEN UP

6 A.P. PANNEERSELVAM

7 C. PUGAZHVELAN

8 C. PUGAZHVELAN

9 DAYALAN

10 V. SANTHI

11 G. VELU

12 S. ABDUL HAKKANI

13 THULASIKUMAR

14 A. RAVITHARIRA

15 D. DHANMOTHARRAM

16 S. SATHISHKUMAR ... RESPONDENT in WA No.1021 of 2018

4 V.REVATHI

5 N.KUPACHARI

6 F.IMDHATH

7 K.A.MAJID

8 K.KANNAPPAN

9 B.SUMAYA BANU

10 L.AKBAR

11 H.NOOR MOHAMED

12 H.ANWAR BASHA

13 H.ZACRIYAH

14 A.IDAYATHULLAH

15 R.PICHANDI ... RESPONDENTS 4 TO 5 in WA No.1022 of 2018
4 TO 15 GIVEN UP

4 V. LOGANATHAN

5 V. SARAVANAKUMAR

6 P. KARTHIKEYAN

7 S. DHARMALINGAM

8 R. GOVINDARAJ

9 P.G. GANAPATHY NATARAJAN

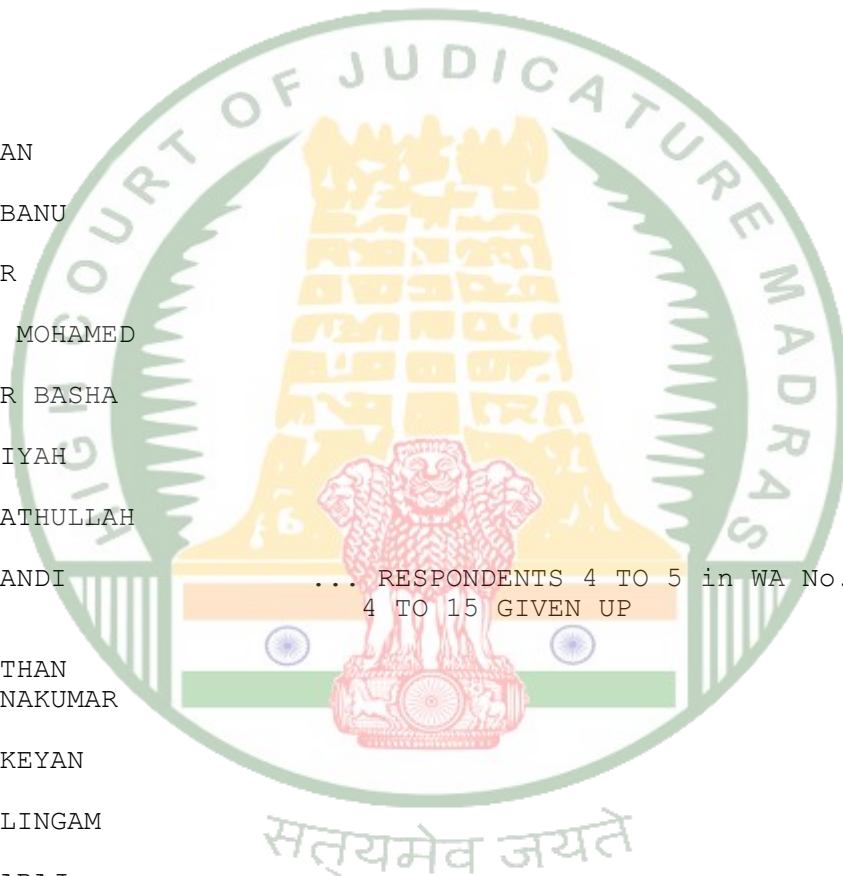
10 A.K. SHANMUGAM

11 P. PANEER SELVAM ... RESPONDENTS 4 TO 11 IN WA No.1023 of 2018

4 G.ELANGO ...4th RESPONDENT in WA No.1024 of 2018

4 P. NEELAGANDAN

5 N. SASIKALA



WEB COPY

6 B. ASLAM

7 S. ANWAR BASHA

8 C. VENUGOPAL

9 K. SURESH BABU

10 G. SUBRAMANI

11 SATHULLAH SAHIB

12 K. ASHOK KUMAR ... RESPONDENTS 4-15 IN WA No.1025 of 2018

4 K.AKARSH SHARMA

5 NASAR

6 S. BHARATH KUMAR

7 V.K.BAJEER RAHMAN

8 M.NAJUNMUNISSA

9 T.S.MUNEER BASHA

10 R.H.KISHORE KUMAR

11 S.NIRMALA BAI

12 K.JAYAKUMAR

13 SYED ABITH ... RESPONDENT 4-13 in WA No.1026 of 2018

4 EKAMBARAM DAKSHNAMOORTHY

5 A.ALLI RANI

6 R.ISMAIL

7 V.S.AMEER BASHA & R.IBRAHIM

8 A.BALU

9 B.PARAMAGURU

10 C.M.NIZAR

11 A.RAVI

12 V.K.PERIYALWAR@V.K.PATTABIRAMA

13 G.VELU

WEB COPY

14 B.PARAMAGURU ... RESPONDENT 4-5 in WA No.1090 of 2018

4 D.MOHANARANGAN

5 N.PERIYASAMY

6 G.ANAND G.SANJAY KUMAR

7 D.SELVARAJAN

8 D.THULASI KUMAR

9 M.GANASEKARAN

10 M.GANASEKARAN

11 M.FASULULLAH

12 V.T.SELVARAJ

13 K.SENTHIL KUMAR

14 P.MUTHUKUMAR

15 S.M.JAVEED ... RESPONDENTS 4-5 in WA No.1092 of 2018

4 J.SANTHOSH KUMAR

5 IBRAHIM

6 P.M.NIZAMUDEEN

7 P.ABKAR

8 B.ABU SYED

9 D.CHANDRABOSE

10 S.A.SYED MANSOOR AHMED

11 V.NEELA

12 B.MUTHU KUMAR

13 K.SAMPATH

14 SRINIVASAN ... RESPONDENT 4-14 in WA No.1093 of 2018

Prayer in Writ Appeals:

W.A.No. 1020 of 2018 to 1026/18 and WA.1090 to 1093/2018

Writ Appeal filed under Clause 15 of the Letter patent Act against the order dated 20.11.2017 made in WP.No. 17374/17,

17372, 17827, 18399, 19895, 21926, 21927, 17838, 18400 and 21606/2017 and WA.1091/18 order dated 15/12/2017 WP. 14625/2017.

Prayer in Writ Petitions : Writ Petition filed under Article 226 of the constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the Impugned Notice Bearing Na.Ka.No. 19267/ 16/ A1 dt. 04.04.2017 in respect of the Petitioners...

i)W.P.No.17374 of 2017:

Shop Nos. 22 15 5 & 16 3 4 & 20 27 19 9 & 10 24 & 26 8 1 7 6 11 & 23 in AKMC Angadi 71 72 73 65 68 75-in--D-Block & 52 17&53 54 55 & 56 62 in F-Block Nethaji Market and 19 18 17 in M.P.S. Center Totally 35 shops situated at Vellore on the file of the 5th respondent and quash the same.

ii)WP.NO.17372 OF 2017:

Shop Nos. 9 8 3 6 7 12 38 5 55 2 5 6 9 10 38 36 34 32 42 39 14 28 52 & 36 i.e. totally 24 Shops respectively situated at infantry Road Venkateswara School M.P.S. Center North & South side and Bus Stand in Vellore on the file of the 5th respondent and quash the same

iii)WP.No. 17827 of 2017 : Shop Nos.12 2 10 9 & 8 in Bangalore Road Shop No.95 F Block Shop Nos: 8 17 and 7 in A-Block Shop No. 36 in H-Block Shop No.5 in B-Block Shop Nos: 16 25 21 6 and 24 in C-Block in Nethaji Market and Shops Nos: 2 17 11 and 13 in Bangalore Road Lorry Stand i.e totally 20 shops situated at vellore on the file of the 3rd respondent and quash the same

iv)WP.NO. 18399 OF 2017 सत्यमेव जयते

Shop No.1 in B Block Shop No.27/2 in A-Block at Nethaji Market ShopNo.27 in M.P.S. North Backside ShopNo.13 in 1st Floor Old Bus Stand Shops Shop No.48 in B-Block Nethaji Market Shop No.24 31 and 37 & 36 in 1st Floor Old Bus Stand Shops Shop No.71 and 54 in E-Block Shop No.61 in C-Block Shop No.106 and 96 in D-Block Shop No.49 in F-Block and Shop No.34 in H-Block at Nethaji Market i.e totally 16 shops situated at Vellore on the file of the 3rd Respondent and quash the same.

V)WP.NO. 19895 OF 2017:

Shop Nos 1 1/ 1 2 3 4 5 6 7 8 9 10 11 and 12 in Fish Market Shop Nos.31 and 32 in D-Block Nethaji Market Shop No.3 in

M.P.S North and shop No 36 in C-Block Nethaji Market i.e totally 17 Shops Situated at Vellore on the file of the 3rd respondent and quash the same.

vi)WP.NO. 21926 OF 2017:

Shop Nos. 28 29 3 & 4 in A-Block Shop No. 23 in B-Block Shop Nos. 75 and 9 in C-Block Shop Nos. 78 and 77 in D-Block Shop Nos. 45 47 and 84 in E-Block Shop No.34 in G-Block at Nethaji Market and Shop No.26 in M.P.S. North Backside i.e totally 14 shops situated at vellore on the file of the 3rd respondent and quash the same

vii)WP.NO. 21927 OF 2017:

Shop Nos.18 in A.K.M.C. Angadi Shop No.5 1 11 & 10 at Katpadi Road Shop Nos.8 & 7 at Bangalore Road Shop Nos.23 & 2 in Bus Stand Shops 1st Floor Shop Nos.12 & 21 in A Block Shop No.15 in B-Block at Nethaji Market Shop No.20 in Bus Stand Shops 1st Floor Shop No.45 in B Block Shop No.15 in D Block Shop Nos.83 & 6 in E Block Shop Nos.1 14 50 71 2 21 & 94 in F Block at Nethaji Market Shop Nos.25 & 26 in Bus Stand Shops 1st Floor Shop No.8 Venkateshwara School Shop Nos.10 & 11 2 & 3 in M.P.S. Centre Shop Nos.6/ B & 32/A in M.P.S. South 1st Floor Back Side ShopNo.62 n Mps South, 2nd Floor Back side (ie)totally 34 shops situated at Vellore on the file of the 3rd respondent and quash the same.

Viii)WP.No. 17838 of 2017:

calling for the records relating to the Impugned Notice bearing Na.Ka. No.19267/ 16/ A1 dt.04.04.2017 in respect of the petitioners Shops Nos.24 and 27 in A Block Nethaji Market Shop Nos.17 and 12 in AKMC Angadi Shop Nos.14 19 11 100 9 10 8 1 and 2 in D Block Nethaji Market Shop Nos.35 36 37 34 17 30 110 and 2 in E Block Nethaji Market Shop Nos.97 and 31 in F Block Nethaji Market Shop Nos.1/1 10 and 21 in H Block Nethaji Market Shop No.12 in Bangalore Road Lorry Stand Shop Nos.14/1 and 13 in Fish Market Shop No.29 21 40 33 & 31 in M.P.S.Center North Side and Backside i.e totally 34 shops situated at Vellore on the file of the 3rd Respondent and quash the same

ix)WP.NO.14625 OF 2017 :

shops Nos.1 2 5 3 4 6 7 8 9 13 10 11 and 12 respectively situated at Tharapavedu Uzhavar Santhai Katpadi on the file of the 5th respondent and quash the same.

X)WP.NO. 18400 OF 2017:

Shop Nos.25/1 and 12/1 in A Block Shop No.51 in F Block Shop Nos.46 47 and 42 in B Block Shop Nos.99 & 98 87 & 91 and 74 in E Block shop No.53/1 in F-Block Shop No.31 in H-Block Shop No.20 in D Block Shop No.6 in H Block at Nethaji Market Shop No.34 in 1st Floor M.P.S. Center Shops No.4 & 5 and 32 in M.P.S. Center Shop No.57 in 1st Floor M.P.S. North Block side Shop No.27 in 1st Floor M.P.S. Center Shop No.68 in 2nd Floor M.P.S. South Backside Shop No.51 in 2nd Floor M.P.S.South Shop No.47 in 1st Floor M.P.S. North Backside Shop Nos.15 and 20 in M.P.S. Centre, Shop No. 28 in I Floor Mps south Shop No. 44 in 1st Floor, Mps North and Shop No. 39 in Mps centre, lies totally 28 shops situated at Vellore, on the file of the 3rd respondent and quash the same.

xi)WP.No. 21606 of 2017:

Shops No. 24/1 in A Block Shop Nos. 23 3 and 12 in C Block Shop Nos. 13 3 70 and 69 in D Block Shop Nos. 57 93 59 and 66 in F Block Shop Nos. 30 and 31 in B Block at Nethaji Market Shop Nos. 1A and 2 at AKMC Angadi Shop No.3 10 9 and 7 in Bangalore road Lorry Stand Shop No.3 in Bangalore Road and Shop No.14 in Fish Market Shop No.6 and 15 Bangalore Road Lorry Stand Shop No.11 Bangalore Road Shop No.60 & 89 M.P.S. South (II Floor) & Shop No.11 Venkateshwara School i.e Totally 28 Shops Situated at vellore on the file of the 3rd respondent and quash the same.

For Appellants : Mr. V.Ramamurthy
(in all the Appeals) for Ms.D.Kamatchi

For Respondent : Mr.V.Anandhamoorthy
(in all the Appeals) Additional Govt. Pleader for R1 to R4
In WA. 1020/18, 1021/18 for R1 & R2

in WA.1022/18 to 1026/18 for R1 & R2 in

WA.1090/18 for R1 & R4 in
WA.1091/18 for R1 & R2 in
WA.1092/18 for R1 & R2 in
WA.1093/18

Mr.S.Silambanan, Senior Counsel for
Mrs.P.Shanthi for R5 in
WA.1020/18 to 1026 and 1090/18 for R3
in
WA.1091/18 for R3 in
WA.1092/18 for R3 in
WA.1093/18.

R6 & R7 given up in WA. 1020/2018
R6 to R16 given up in WA. 1021/2018
R4 to R11 given up in WA. 1022/2018
R4 to R11 given up in WA. 1023/2018
R4 given up in WA.No. 1024/2018
R4 - R12 given up in WA.1025/18
R4 - R13 given up in WA.1026/18
R4 - R14 given up in WA.1090/18
R4 - R15 given up in WA.1092/18
R4 - R14 given up in WA.1093/18

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The challenge in all these intra Court Appeals is to the order of the learned Single Judge made in various Writ Petitions dated 20.11.2017 & 15.12.2017, in and by which, the learned Single Judge dismissed the Writ Petitions filed by the appellants herein, who are tenants in occupation of various shops belonging to the Municipality.

2. The challenge in the Writ Petitions was to the notices issued by the 5th respondent, viz. the Vellore Corporation enhancing the rents payable by the appellants for the shops/commercial premises in their occupation. All the notices are identical in terms. The upward revision of rent varied from 10 times to two times an existing rent. The main ground of challenge in the Writ Petitions was that the respondents have not followed the instructions issued by the Government in various Government orders that are in force. The grant of lease and fixation of rents for the commercial buildings belonging to the Local Authority has been plagued by several litigations in this Court as well as the Hon'ble Supreme Court. By G.O.Ms.No.92, Municipal Administration & Water Supplies Department, dated 03.07.2007, the Government had issued several directions for which are meant to serve as guidelines to the Local Bodies in the matter of leasing out of commercial

properties belonging to them. While allowing the existing lessees to continue for a block period of three years up to total period of 9 years, subject to increase in rent by 15% for every block period of 3 years, after expiry of 9 years period, the rent payable by the occupants is to be revised based on the market value on the date of such revision.

3. The local bodies were required to give preference to the existing tenants in the event they come forward to pay the enhanced rent. In the event of the existing allottees not coming forward to pay the enhanced rent, the local bodies were at liberty to let out the commercial properties by adopting the procedure of public auction. The petitioners in all these Writ Petitions/ appellants herein, are all persons, who are occupying the shops belonging to Vellore Municipal Corporation. On 30.11.2016 the Commissioner for Municipal Administration, Chepauk, Chennai 5, issued a circular bearing Na.Ka.No.15316/2016/A3 dated 30.11.2016, giving certain directions with reference to fixation of the rent payable for the commercial properties owned by the local bodies concerned. The Corporation in the Writ Petition claimed that the impugned notices had been issued based on the rent fixed by the Committee formed by the Corporation, according to the clarification issued by the Government in its letter dated 30.11.2016. Accepting the said submission of the Corporation, the learned Single Judge had dismissed the Writ Petition.

4. Aggrieved the appellants are before us by way of these intra Court Appeals.

5. Inasmuch as the counter affidavit filed by the Corporation before the learned Single Judge did not spell out the process adopted by the Committee in fixing the rent for these Commercial properties and the composition of the Committee was also not clearly spelt out in the counter affidavit filed in the Writ Petition, we had required the Commissioner of the 5th respondent Corporation, viz. the Vellore Municipal Corporation to file a detailed counter affidavit setting out the factual details. Pursuant to our direction, the Commissioner Vellore Municipal Corporation, has filed a counter affidavit claiming that the rents were fixed by the Committee consisting of the Commissioner of Vellore Municipal Corporation as its Chairman and four other members. The report of the said Committee has been accepted by the Corporation and it is only thereafter the impugned notices were issued to the respective allottees informing them of the upward revision of rents.

6. We have heard Mr.V.Ramamurthy, learned counsel appearing for Mrs.D.Kamatchi, for the appellants and Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for the

Respondents 1 to 4 and Mr.S.Silambanan, learned Senior Counsel appearing for Mrs.P.Shanthi, for the 5th respondent.

7. Neither in the counter affidavit filed before us nor in the counter affidavit filed in the Writ Petition, the Commissioner, Vellore Municipal Corporation has stated that the present occupants were put on notice of the proposed increase and an acknowledgement was obtained. Even though the letter dated 30.11.2016 does not contain a positive direction to the Corporation to hear the present occupants, while determining the rent for the future period by taking into account the present market value and the market conditions, we are of the considered opinion that inasmuch as the Government letter gives priority or a preference to the present occupants to pay the higher rent as determined by the Committee and continue to occupy the property in question. It would be in the interest of justice and fair play that the present occupants should be heard before refixation of the rent by the committee.

8. The learned Senior Counsel appearing for the 5th respondent has also no objection for such a course being adopted. The counsel for the appellants also would submit that they are ready to participate in the process of fixation of the higher rent in accordance with G.O.Ms.No.92, Municipal Administration & Water Supplies Department, dated 03.07.2007, read with the Government letter in Na.Ka.No.15316/2016/A3 dated 30.11.2016.

9. In the light of the above consensus reached between the parties, these Writ Appeals will stand allowed, the order of the learned Single Judge as well as the impugned notices of enhancement of rent will stand set aside. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

10. The Committee formed by the Commissioner, Vellore Municipal Corporation, consisting of the Commissioner as its Chairman and four other members, is directed to determine the rent afresh as on 01.07.2016. The process of refixation shall be completed at the earliest at any rate within a period of 6 months from the date of receipt of a copy of this order, after giving an opportunity of hearing to the present occupants/appellants before us. Such re-fixation shall take effect from 01.07.2016. Upon such re-fixation, the appellants may choose either to continue in occupation by paying the rent as fixed by the Committee or to vacate and handover the possession of the property to the local body.

11. It is brought to our notice that the appellants have been paying 50% of the enhanced amount as per the interim orders passed during the pendency of the Writ Petitions. They shall continue to pay the same till such time, the Committee takes a

final decision as per our direction supra. If rent fixed by the Committee is lower than the rent that is already paid by the respective allottees the differential amount will be adjusted towards the future payment in the event of the appellants opting to pay the higher rent in continue the possession. If the rent fixed is more than the amount paid the appellants shall pay the balance amount along with arrears in order to enable them to continue in possession.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Secretary to Government
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai 9.
2. The Director of Municipal Administration
Municipal Administration Department,
Ezhilagam, Chepauk, Chennai 5.
3. The Regional Director of Municipal Administration
Sarathi Nagar, Kakithaipattarai, Vellore 12.
4. The District Collector,
Vellore District, Vellore.
5. The Commissioner,
Vellore Corporation, Vellore.

+1cc to Mr. D.Kamatchi, Advocate, S.R.No. 53368

+1cc to Mr. D.Kamatchi, Advocate, S.R.No. 53369

+1cc to Mr. P.Shanthi, Advocate, S.R.No. 52998

+1cc to Mr. P.Shanthi, Advocate, S.R.No. 52999

W.A.Nos.1020 to 1026 of 2018
& CMP Nos.8592 to 8605 of 2018
and

W.A.Nos.1090 to 1093 of 2018
& CMP Nos. 8955 to 8962 of 2018

SKV (CO)

GN(17/09/2018) .

Compared by SAR (N.J.Kannan) :19/09/2018