

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.823 of 2018
and
W.M.P.No.988 of 2018

S.Govindan

...Petitioner

Versus

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai - 600 009.

2.The Director of Municipal Administration,
Municipal Administration Department,
Eazhilagam, Chempauk,
Chennai - 600 005.

3.The Regional Director of Municipal Administration,
Sarathi Nagar,
Kakithapattarai,
Vellore - 12.

4.The District Collector,
Vellore District,
Vellore.

5.The Commissioner,
Ranipet Municipality,
Vellore District,
Vellore.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records of the 5th respondent made in Na.Ka.No.3807/2016/A3 dated 03.03.2017 and quash the same.

For Petitioner : Mr.J.Arul Prakasam

For Respondents : Mr.Ansar

Government Advocate

O R D E R

This writ petition has been filed challenging the fixation of licence fee by the fifth respondent.

2. According to the petitioner, he is a licensee of the shop owned by the respondent Municipality. The grievance of the petitioner is that the respondents have increased the rent in manifolds, without any basis and also without providing them an opportunity of hearing.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials on record.

4. The licensees of shops in Rajapalayam Municipality filed a batch of writ petitions before Madurai Bench of Madras High Court, in W.P.(MD)Nos.9333 of 2017, etc., expressing the same grievance. The Writ Court, following the decisions of Single Judges and Division Bench of this Court A.Sathar Vs. the District Collector, Coimbatore and Another [AIR 1998 MAD 217], WA (MD) No.546 of 2010, dated 19.08.2010, P.N.Chinnasamy and 13 another vs. the Assistant Director of Town Panchyat, Coimbatore District [2010 1 CTC 584], P.Muthusamy vs. State of Tamil Nadu [2014 5 MLJ 129], C.Vinoba vs. the Commissioner, Palladam Municipality [2015 3 CTC 170] and P.P.M.S.C.L.W.Association vs. Commissioner [2016 3 MLJ 698] dismissed the writ petitions holding the licensees by relying on the G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 have no right in seeking extension of lease in perpetuation and the provisions of the Tamil Nadu Buildings (Lease and and Rent Control) Act as amended, have no application in fixation of lincence fee.

5. The said judgment was confirmed by the Division Bench in W.A.(MD)Nos.1058 to 1086 of 2017 by observing that licensees have no say in the fixation of rent and the rent fixed by the fee fixation committee forms part of an offer and it is for the licensees to accept or leave it.

6. In the considered opinion of this Court, the judgment referred supra would squarely apply to the case on hand. It is up to the petitioner to accept the offer given by the respondents, within a period of one month and shall pay arrears, if any, within a period of two months. In case the petitioner do not give consent for the payment of the enhanced amount within one month, the respondents are directed to take action for public auction forthwith. This Court holds that once the auction notification is published, the petitioner is deemed to have

vacated the tenement and the respondents can enter the place with the help of police force, if required.

7. With the above observations and directions, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
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Vellore.
- 5.The Commissioner,
Ranipet Municipality,
Vellore District,
Vellore.

+1cc to Mr.J.Arul Prakasam, Advocate SR.No.3120
+1cc to Government Pleader SR.No.3692

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GN(22/02/2018)