

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01..11..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition Nos.20570 of 2018
and
W.M.P.Nos.24172 & 24173 of 2018

Tmt.P.Chellammal

... Petitioner

-Versus-

1.The Commissioner of Land Administration,
Chennai.

2.The Commissioner,
Corporation of Coimbatore,
Coimbatore-2.

3.The Assistant Commissioner (West),
Zone-III,
Corporation of Coimbatore,
Coimbatore-2.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondent in Na.Ka.No.20329/2015/A1(Mo) dated 19.07.2018 and for a consequential direction to the respondents to waive the interest charged @ 9% for the arrears of the rent in respect of the shop bearing Stage Shop No.A-1, situated at Pannerselvam Flower Market, Coimbatore-2.

For Petitioner

: Mr.P.Srinivas for
Mr.C.Yokesh

For Respondents

: Mr.N.Sakthivel for R1
Mr.S.Saravanan for R2
and R3

ORDER

This writ petition has been filed challenging the validity of the order of the 3rd respondent passed in Na.Ka.No.20329/2015/A1(Mo) dated 19.07.2018 and for direction to the respondents directing them to waive the interest charged @

9% for the arrears of the rent in respect of the shop bearing No.A-1, situated at Pannerselvam Flower Market, Coimbatore-2.

2.The petitioner claims to be the lessee under the respondent corporation in respect of the shop bearing Stage Shop No.A-1, situate at Pannerselvam Flower Market, Coimbatore. According to the petitioner, the respondent corporation has been demanding interest @ 9% p.a. on the arrears of license fee. Earlier, when the petitioner filed W.P.No.20329 of 2015 seeking to waive the interest, this court, by order dated 29.01.2018, directed the petitioner to submit a fresh representation to the respondents and on such representation, the respondents were directed to consider the same and take appropriate action in accordance with law after providing due opportunity including opportunity of hearing to the petitioner. Pursuant to the order of this court, an enquiry had been conducted wherein the petitioner had appeared and raised his objection. The grievance of the petitioner is that without having considered his objections in respect of levy of interest, the impugned order has been passed by the 3rd respondent.

3. Heard both sides and also perused the records carefully.

4. On a perusal of the impugned order, ex facie, it could be seen that the 3rd respondent had simply mentioned the arrears of license fee and the total amount of interest levied on the same without any break up details for the total sum. The total arrears of license fee payable by the petitioner, according to the 3rd respondent for the period from 01.08.2009 to 30.06.2018, is Rs.27,95,710/- for which interest has been calculated at Rs.26,21,789.50 besides that a service charges of Rs.5,03,236/- has also been claimed by the 3rd respondent. There is no break up particulars with regard to arrears of license fee and the interest payable thereon. Thus, in the considered opinion of this court, the impugned order requires interference at the hands of this court as the same has been passed in total non application of mind and without giving break up particulars as already stated supra.

5. In the result, the writ petition is allowed and the impugned order passed by the 3rd respondent is set aside and the matter is remitted back to him with a direction to conduct an enquiry afresh and pass appropriate orders after giving sufficient opportunity to the petitioners including personal hearing and pass a detailed orders giving particulars with regard to arrears of license fee and the interest payable

thereon within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Commissioner of Land Administration,
Chennai.

2.The Commissioner, Corporation of Coimbatore,
Coimbatore-2.

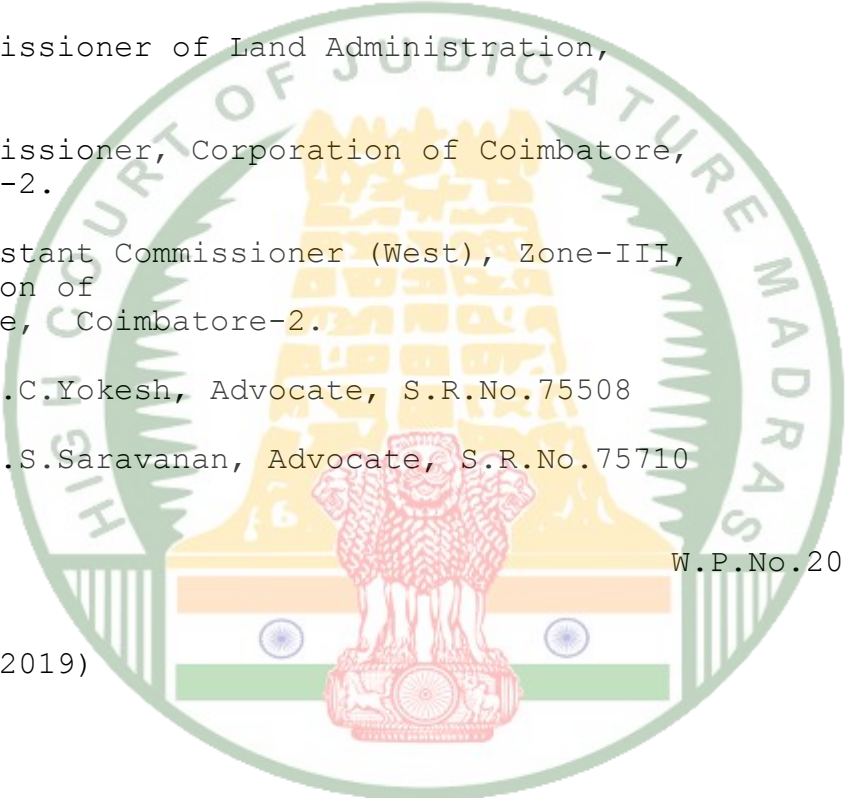
3.The Assistant Commissioner (West), Zone-III,
Corporation of
Coimbatore, Coimbatore-2.

+1cc to Mr.C.Yokesh, Advocate, S.R.No.75508

+1cc to Mr.S.Saravanan, Advocate, S.R.No.75710

W.P.No.20570 of 2018

SPD(CO)
GSP(03/01/2019)

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a background of horizontal stripes in orange, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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