

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.2210 to 2212 of 2018

and

W.M.P.No.2710 to 2714 of 2018

M/s.Oriental Canvas Company,
Rep.by its Proprietor Kantilal Betala,
S/o.Harak Chand Betala,
N5.N57-010-F8,
No.329, Walltax Road,
Chennai - 600 079.

...Petitioner
(in WP.No.2210 of 2018)

Ramesh Kumar Jain

...Petitioner
(in WP.No.2211 of 2018)

Ramesh Kumar Betala

...Petitioner
(in WP.No.2212 of 2018)

Versus

The Assistant Revenue Officer,
Zone-5,
Greater Chennai Corporation,
Chennai.

... Respondent

(in all WPs.)

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to quash the proceedings issued by the respondent in proceedings No.3524/2017, dated 17.10.2017 and his consequent proceedings in Proceedings No.3645/2017, dated 26.10.2017 and Proceedings No.3645/2017 dated 24.11.2017 and to direct the respondent to re-fix the rent based on the market value of the property, in consonance with the Rent Control Laws.

For Petitioners : Mr.V.Raghavachari
(in all WPs.)

For Respondent : Mr.T.C.Gopalakrishnan
Standing Counsel
(in all WPs.)

COMMON ORDER

These writ petitions have been filed challenging the fixation of licence fee by the respondent.

2. According to the petitioners, they are licensees of the shops owned by the respondent Corporation / Municipality. The grievance of the petitioners is that the respondent has increased the rent in manifolds, without any basis and also without providing them an opportunity of hearing.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent 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 petitioners to accept the offer given by the respondent, within a period of one month and shall pay arrears, if any, within a period of two months. In case the petitioners do not give consent for the payment of the enhanced amount within one month, the respondent is directed to take action for public auction forthwith. This Court holds that once the auction notification is published, the petitioners are deemed to have vacated the tenement and the respondent can enter the place with

the help of police force, if required.

7. With the above observations and directions, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

ms

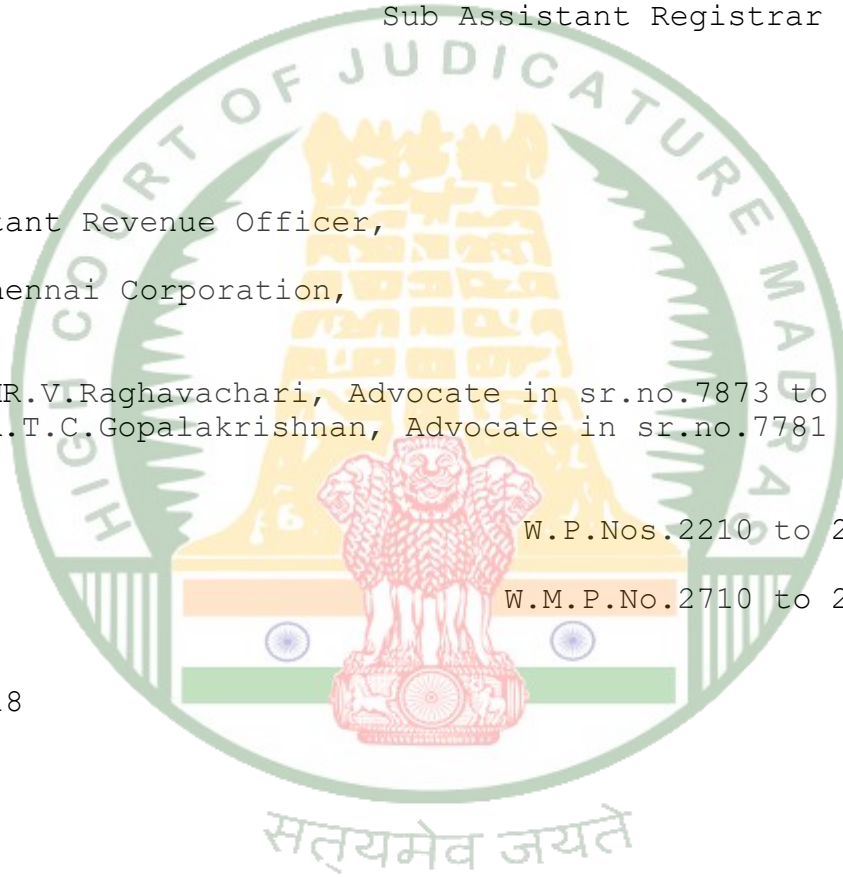
To

The Assistant Revenue Officer,
Zone-5,
Greater Chennai Corporation,
Chennai.

+3ccs to MR.V.Raghavachari, Advocate in sr.no.7873 to 7875
+1cc to MR.T.C.Gopalakrishnan, Advocate in sr.no.7781

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VGI (CO)
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