

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15725 of 2017
and
W.M.P.Nos.17000 and 17001 of 2017

A.Sivagami

... Petitioner

Versus

1. The Commissioner
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

2. The Zonal Officer,
Zone 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling upon the records and quash the letter dated 02.05.2017 bearing Ref.No.Ma.A.13.Na.Ka.No.R.3/ 0065/2017 issued by the Second Respondent herein and subsequently direct the first and second respondents to consider the representation of the petitioner dated 11.05.2017.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel

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O R D E R

The petitioner has come up with the Writ Petition for the issuance of writ of certiorarified mandamus to quash the order by the second respondent in Ref.No.Ma.A.13.Na.Ka.No.R.3/ 0065/2017 dated 02.05.2017.

2. According to the petitioner, she is the licensee of the shop owned by the respondent Corporation / 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 Corporation 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 licence fee.

5. The 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 respondent, 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, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
 2. The Zonal Officer,
Zone 13,
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No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.
- +1 CC to Mr. Gopalakrishnan, Advocate sr 2490.

W.P.No.15725 of 2017 and
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MG(CO)
SP(22/02/2018)

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