

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.16558 to 16562, 16467 & 14755 of 2018
and W.M.P.Nos.19737 to 19741, 19683 & 17436 of 2018

K.Gowri .. Petitioner
in W.P.No.16558/2018

Lakshmibai .. Petitioner
in W.P.No.16559/2018

R.Ramakrishnan .. Petitioner
in W.P.No.16560/2018

A.Thangamuthu .. Petitioner
in W.P.No.16561/2018

D.Vijayakumari .. Petitioner
in W.P.No.16562/2018

M.Venkatasubramani .. Petitioner
in W.P.No.16467/2018

P.C.Balakrishnan .. Petitioner
in W.P.No.14755/2018

Vs.

1.The State of Tamil Nadu
rep by Secretary to Government,
HR & CE Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
HR & CE Administration Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3.The Joint Commissioner,
Arulmighu Jambukeshwarar Thirukoil,
Padi, Chennai - 600 050.

4.The Executive Officer,
Arulmighu Jambukeshwarar Thirukoil,
Korattur, Chennai - 600 080.

.. Respondents in all W.Ps

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of certiorarified mandamus to call for the records pertaining to the notices dated 10.03.2018 issued by the 4th respondent and quash the same and consequently direct the 2nd respondent to consider the representations of the petitioners dated 10.11.2017, 11.11.2017 and 02.04.2018 and dispose of the same after affording opportunity of hearing to the petitioners either in person or through counsel and refix the ground rent in accordance with G.O.Ms.No.298 dated 20.07.2010.

For Petitioners : Mr.V.S.Sivalingam
(in all W.Ps)

For Respondents : Mr.M.Maharaja
(in all W.Ps) Special Government Pleader

C O M M O N O R D E R

These seven Writ Petitions have been filed by the lessees, who have taken lease of the land from the 4th respondent. Aggrieved by the impugned order dated 10.03.2018 calling upon them to pay the enhanced monthly rent of Rs.2,000/-, Rs.9,500/-, Rs.7,600/-, Rs.17,000/-, Rs.7,200/-, Rs.3,300/- and Rs.5,800/- with effect from 01.07.2016.

2.Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents submitted that in November 2016, notices were issued to all these lessees calling upon them to pay the enhanced monthly rent of Rs.6,400/-, Rs.21,120/-, Rs.7,600/-, Rs.53460/-, Rs.16,080/-, Rs.11,000/- and Rs.19,200/-. Subsequently, based on the objections raised by them, the Fair Rent Committee reduced the rent to Rs.2,000/-, Rs.9,500/-, Rs.7,600/-, Rs.17,000/-, Rs.7,200/-, Rs.3,300/- and Rs.5,800/- respectively under Section 34-A of the HR & CE Act. Being reasonable amounts, the about reduced rents were also not paid by the petitioners, as a result, huge arrears of amounts have accumulated. In such a circumstance, the present impugned orders have been passed.

3. Even aggrieved by the reduced rental amounts of Rs.2,000/-, Rs.9,500/-, Rs.7,600/-, Rs.17,000/-, Rs.7,200/-, Rs.3,300/- and Rs.5,800/-, which according to the respondents is a fair rent, the petitioners have again given representations on 02.04.2018. Therefore, it is the claim of the petitioners that when their representations dated 02.04.2018 are pending on the file of the Commissioner, the impugned orders ought not to have been issued by the 4th respondent.

4. This Court does not find any merit in these Writ Petitions for the reason that when the earlier orders issued in November 2016 to the petitioners calling upon them to pay Rs.6,400/-, Rs.21,120/-, Rs.7,600/-, Rs.53460/-, Rs.16,080/-, Rs.11,000/- and Rs.19,200/- were objected by giving a representation, which was rightly placed before the Committee under Section 34-A of the Act. The Committee, also accepting the requests of the petitioners, reduced the rents considerably to Rs.2,000/-, Rs.9,500/-, Rs.7,600/-, Rs.17,000/-, Rs.7,200/-, Rs.3,300/- and Rs.5,800/- respectively. But till date even that amounts have not been paid by the petitioners. Therefore, this Court is unable to find any iota of merit to entertain the Writ Petitions.

5. In the result, all these Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
HR & CE Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
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Padi, Chennai - 600 050.

4.The Executive Officer,
Arulmighu Jambukeshwarar Thirukoil,
Korattur, Chennai - 600 080.

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.44795

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SVN(CO)
GSP(20/07/2018)



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