



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 07.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.4782 of 2018

and

W.M.P (MD) .No.4791 of 2018

M.A.Abdul Munaf

... Petitioner

Vs.

The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned Notice dated 20.12.2017 on the file of the respondent and quash the same.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.Kannan
Standing Counsel

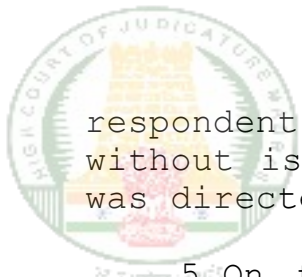
ORDER

This Writ Petition has been filed challenging the notice issued by the respondent municipality directing the petitioner to pay the arrears of license fees on or before 31.12.2017, otherwise the license granted in favour of the petitioner will not be renewed and the shop will be brought for public auction.

2. According to the petitioner he was a lessee in respect of the shop belongs to the respondent municipality and he was in possession of the shop from 1977 and he is paying rent regularly and also accepted to pay the various revised rent made by the respondent.

3. Now the respondent has issued a notice directing the petitioner to pay the entire arrears of revised rent from July 2016 to March 2017 to the tune of Rs.2,74,356/- and from April 2017 to March 2018 Rs.6,40,572/-. Now challenging the above said notification dated 20.12.2017, the present writ petition has been

4. The learned counsel for the petitioner submitted that the



respondent municipality has revised the rent exorbitantly and without issuing any notice whatsoever and suddenly the petitioner was directed to pay a huge amount nearly for a sum of Rs.8 lakhs.

5. On the other hand the learned counsel for the respondent submitted that the petitioner is only a licensee and after revision of licence fee other licensees paid the revised rent and the petitioner was also issued with a notice directing to pay the arrears of revised rent. Now without paying the arrears, filed the writ petition with the *mala fide* intention.

6. I have heard the rival submissions made by the learned counsel on either side.

7. The petitioner is only a licensee in the shop belongs to the respondent municipality. He has been possession of the said shop from the year 1997 and now the respondent municipality has revised the rent as per the prevailing market rate. If at all the petitioner wants to continue as a licensee in the respondent municipality, he has to pay the revised rent otherwise the property will be put into public auction as the municipality is only interested in getting more revenue. The petitioner cannot have any legal right to continue in the property. In the above circumstances, the petitioner cannot challenge the notification issued by the respondent municipality.

8. Now, the learned counsel for the petitioner submitted that the petitioner may be directed to pay the arrears in three installments. Considering the facts and circumstances, the petitioner is directed to pay the arrears as on today in three equal monthly installments. The first installment should be made on or before 28.03.2018, and the second installment should be made on or before 16.04.2018 and the last installment shall be made on or before 30.04.2018, and on paying such amount the respondent municipality is directed to renew the license of the petitioner. The petitioner shall continue to pay the revised license fees in future without any default. If any default is made by the petitioner, it is open to the respondent municipality to bring the property for public auction.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/



To

The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+ 1 cc TO Mr.G.Prabhu Rajadurai , Advocate in SR No. 53743
+ 1 cc TO Mr.A.Kannan , Advocate in SR No. 53516

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AE/SKN RSK/SAR1/04.04.2018/3P/4C

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