



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.6050 of 2018

and

W.M.P. (MD) Nos.5919 and 5920 of 2018

A.K.Senthil Ganesh

... Petitioner

-Vs-

1. The District Collector,
Ramanathapuram.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned final notice dated 28.11.2017 of the second respondent and received by the petitioner on 12.03.2018 and quash the same as illegal.

For Petitioner	: M/s.M.Rajeswari
For R1	: Mrs.J.Padmavathi Devi, Special Government Pleader.
For R2	: Mr.A.Kannan, Standing Counsel.

ORDER

This writ petition has been filed, challenging the notice issued by the second respondent / Municipality directing the petitioner to pay the arrears of rent.

2. According to the petitioner, he is a licensee in respect of shop No.1 belonging to the second respondent / Municipality, and he is running a home appliances shop in the said premises from the year 1997. The second respondent / Municipality periodically revising the rent, and the petitioner also paying the rent regularly. Now, the second respondent / Municipality exorbitantly revised the rent from Rs.28,000/- (Rupees Twenty Eight Thousand Only) to Rs.57,000/- (Rupees Fifty Seven Thousand Only), and



directing the petitioner to pay the revised rent. Hence, the present writ petition has been filed.

3.The learned Standing Counsel for the second respondent, on instructions, submitted that the petitioner is only a licensee under the second respondent / Municipality, and as per the prevailing market rate, the second respondent / Municipality revised the rent, and the petitioner was also issued with a notice directing to pay the arrears of revised rent. Now without paying the arrears, the petitioner filed this writ petition with the *mala fide* intention.

4.I have considered the rival submissions.

5.The petitioner is only a licensee in the shop belongs to the second respondent / Municipality. He has been possession of the said shop from the year 1997, and now the second 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 second respondent / Municipality, he has to pay the revised rent otherwise the shop will be put into public auction, as the Municipality is only interested in getting more revenue. The petitioner cannot claim any legal or vested right to continue in the property. In the above circumstances, the petitioner cannot challenge the notification issued by the second respondent / Municipality.

6.Now, the learned counsel for the petitioner submitted that the petitioner may be permitted to pay the arrears in nine instalments, as the amount is more than Rs.9 lakhs.

7.Considering the fact that the petitioner is willing to pay the revised rent in instalments, the petitioner is permitted to pay the entire arrears in six equal monthly instalments. It is admitted by the parties that already the petitioner has paid 1/3 of the total amount of arrears. Hence, the remaining amount should be paid in six equal monthly instalments. The first instalment should be paid on or before 16.04.2018, and the remaining instalments should be paid in the first week of every month. If the petitioner fails to comply any one of the conditions, it is always open to the second respondent / Municipality to take action as per law.

8.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(w)

/True Copy/



To

The District Collector,
Ramanathapuram.

+ 1 cc TO Mr.S.M.S.Johnny Basha , Advocate in SR No. 57749

Myr

AE/JC/SAR3/16.04.2018/3P/3C

W.P(MD)No.6050 of 2018
23.03.2018