



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos. 775 & 776 of 2018
and
W.M.P. (MD) Nos. 838 to 841 of 2018

G.Selvandren

... Petitioner in both W.Ps.

-Vs-

The Commissioner,
Virudhunagar Municipality,
Virudhunagar Town & District.

... Respondent in both W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings in Na.Ka.No.7825/2015/A1 dated 22.05.2017 and quash the same as illegal, arbitrary, violation of Principles of law and further direct the respondent to fix the fair rent for the Shop Nos.35 & 36 respectively after following procedures stated in the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

For Petitioner : Mr.M.Jothi Basu (in both Writ Petitions)
For Respondent : Mr.Muthugeethiayan
(in both Writ Petitions).

COMMON ORDER

These Writ Petitions have been filed challenging the notice issued by the Municipality asking to pay the enhanced rent.

2. According to the petitioner, he was a lessee in respect of shops owned by the respondent / Municipality from the year 2007 and he has been paying enhanced lease amount periodically. As per G.O. (Ms) No.92, Municipal Administration and Water Supply (MA4) Department, dated 03.07.2007, after expiring nine years, the Municipality has power to revise the lease amount and option should be given to the petitioner to pay the revised lease amount. According to the petitioner, the Municipality has arbitrarily enhanced the rent. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that similar shop owners earlier challenging the notice issued by the Municipality in a batch of Writ Petitions in W.P.(MD) Nos.23663 of



2017 etc. batch in which this Court, by an order dated 21.12.2017, passed the following order:-

"6. Following the above order and also considering the fact the said judgment is squarely applicable to the facts of the present cases on hand, these writ petitions are disposed of with the following directions:

i) the fifth respondent Municipality is directed to provide a copy of the report of the Committee as well as the calculation sheet to the petitioners forthwith, if not already given;

ii) This Court, normally while granting interim orders, would uniformly direct the petitioners / lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted, within a period of two weeks from the date of receipt of a copy of this order and thereafter file their objections supported by whatever documents they have in their possession to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or refix the lease rent in accordance with law, within a period of two weeks thereafter.

iv) in the event of the petitioners not complying with the conditions stipulated above, it is open to the concerned authorities, to proceed further in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed."

4. In the above circumstances, since the petitioner is also a similarly placed person, the above said order could be passed in the present Writ Petition filed by the petitioner. It is made clear that if the petitioner failed to comply any one of the conditions, it is always open to the respondent / Municipality to proceed further in the manner recognized by law without any further reference to this Court.

5. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

The Commissioner,
Virudhunagar Municipality,
Virudhunagar Town & District.

- + 1 CC TO Mr.M.JOTHI BASU, ADVOCATE IN SR No. 42782
- + 1 CC TO Mr.M.MUTHUGEETHAIYAN, ADVOCATE IN SR No. 42740

MYR

TE/MR/SAR-3 : 01/02/2018 : 3P/4C

W.P.(MD)Nos.775 & 776 of 2018 and
W.M.P.(MD)Nos.838 to 841 of 2018
18.01.2018