



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.19075 of 2018

and

W.M.P(MD)No.16921 of 2018

Abdul Majeeth

.. Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Secretary,
Home Department, Chennai.
2. The Director General of Fire and
Rescue Services Department,
Chennai.
3. The District Officer,
Fire and Rescue Services Department,
Pudukkottai.
4. The Executive Engineer,
Building Construction and Maintenance Division,
Public Works Department,
Pudukkottai

.. Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent Letter No.E1 365M Va.P/Ko.7/B2, dated 2018, dated 13.7.2018 and to quash the same as illegal and direct the fourth respondent to inspect the building of the Petitioner for the refixation of rent for the period of three years commencing from 1.3.2017 and to direct the third respondent to pay the rent as refixed by the fourth respondent.

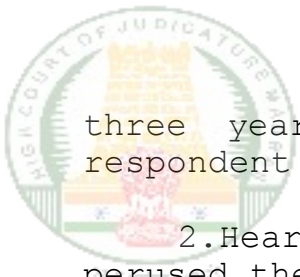
For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.S.Dhayalan

Government Advocate

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to quash the impugned letter of the fourth respondent Letter No.E1 365M Va.P/Ko.7/B2, dated 2018, dated 13.7.2018 and direct the fourth respondent to inspect the building of the Petitioner for the re-fixation of rent for the period of



three years commencing from 1.3.2017 and to direct the third respondent to pay the rent as refixed by the fourth respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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3. The Petitioner has rented 670 sq.ft of ground and 3500 sq.ft of building house in the above ground site and the new Door Number of the Petitioner's house is 5/197. The said building was rented on 14.4.1988 for a rent of Rs.900/- per month. At that time, the guideline value of the building is only Rs.40/- per sq.ft and it was increased subsequently and from 1.3.2011 to 28.2.2014, the rate was fixed at Rs.5815/- for a period of three years from 1.3.2011. In spite of the said recommendation, the third respondent had only paid rent at Rs.3323/- per month for a period of three years commencing from 1.3.2011 and in the year 2014, the rent was fixed at Rs.6690/- per month for a period of three years from 1.3.2014 to 28.2.2017. After completion of three years on 28.2.2017, the rent has to be refixed by the third respondent. The third respondent has written a letter to the fourth respondent to inspect the building, since three years has completed on 28.2.2017, by his proceedings in Na.Ka.No.2086/E1/2017, dated 17.5.2018. The Fourth respondent has also sent a letter dated 13.7.2018 stating that three year period has not been completed and hence, there is no necessity to refix the rent for the said building of the Petitioner. The rejection of the fourth respondent is illegal and they ought to have applied their mind and they should have refixed the rent from 28.2.2017.

4. It could be seen from the records that from 1.3.2014 to 28.2.2017, the rent was fixed at Rs.6690/- for a period of three years and the said period has expired on 28.2.2017 and the respondents are duty bound to refix the rent for the said premises of the Petitioner from 28.2.2017, but they have not done so, in spite of the proceedings dated 17.5.2018. The fourth respondent has arbitrarily rejected the said request on 13.7.2018 stating that three years has not been completed and there is no necessity to refix the rent. Hence this Court is inclined to interfere with the said order of the fourth respondent.

5. Accordingly, the fourth respondent is directed to inspect the building of the Petitioner and refix the rent for the period three years starting from 28.2.2017 and refix a fair rent within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)



To

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Chennai.

2. The Director General of Fire and
Rescue Services Department,
Chennai.

3. The District Officer,
Fire and Rescue Services Department,
Pudukkottai.

4. The Executive Engineer,
Building Construction and Maintenance Division,
Public Works Department,
Pudukkottai.

+ 1 CC TO Mr.S.MUTHU KRISHNAN, ADVOCATE IN SR No. 95567

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 95418

VSN

TE/SV/SAR-1 : 11/12/2018 : 3P/7C

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