

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP. No.19182 of 2011

and

MP. No.2 of 2011

A.Abitha Begam ... Petitioner

vs.

1.The District Collector,  
Krishnagiri District, Krishnagiri.

2.The Officer and Managing Director,  
Krishnagiri District Development  
Corporation Agency,  
Krishnagiri.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, for quashing the demand of rent by the first respondent in Ref.Na.Ka.No.5901/09/R.9, dated 30.07.2011 and consequently directing the respondents to re-fix the rent payable by the petitioner at the same rate as fixed for the similarly situated Lessees as that of the petitioner for the period from 2002-2003.

For Petitioner : Mr.T.Sai Krishnan and  
Mr.K.N.Santh

For Respondents : Mr.M.Karthikeyan  
Additional Government Pleader  
for R1  
Mr.V.Jayaprakash Narayanan  
for R2

ORDER

According to the petitioner, she was the successful bidder in the auction cum lease for shop No.15, Krishnagiri District Development Corporation Agency and the monthly rent was fixed at Rs.3820/-. Subsequently, the lease period was renewed from time to time.

2. As per G.O (Ms) No.92, MA & WS (MA-4) Department dated 03.07.2007, the 2<sup>nd</sup> respondent has refixed the rent as Rs.4393/- per month with increase of 15% from earlier lease rent. The respondent without considering the representation submitted against the said increase, subsequently further increased rent to Rs.5052/-, only for the petitioner. According to the petitioner similarly situated shop No.16 for the same extent, a sum of Rs.2840/- was only as monthly rent.

3. The petitioner filed WP. No.19353 of 2008 before this Court and this Court by order dated 30.06.2010 directed the respondent to consider the petitioner's representation. According to the petitioner, the respondents have not considered the petitioner's representation dated 18.01.2007 and thus the petitioner has been treated discriminatorily from other lessees. Hence the petitioner filed this Writ Petition seeking remedy to pay the monthly rent on par with the other lessees who occupied the shop under the 2<sup>nd</sup> respondent.

4. Counter affidavit has been filed by the respondents. The learned Additional Government Pleader would submit that the petitioner has no legal right to challenge the monthly rent fixed by the 2<sup>nd</sup> respondent. The petitioner was a successful bidder in the auction and as per GO.Ms. No.92, MA & WS (MA-4) dept. Dated 03.07.2007, rent has been revised after three years and was enhance at 15 % of base rent fixed at Rs.3820/-. Therefore, there is no need or necessity to interfere with the order passed by the 1<sup>st</sup> respondent.

5. In the light of the above said fact, this Court cannot grant any relief to the petitioner and this Writ Petition cannot be entertained. However, it is open to the petitioner to submit a representation to the 2<sup>nd</sup> respondent in respect of any grievance, who in turn shall consider the same in accordance with law.

6. Accordingly, the Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rkp

To

1.The District Collector,  
Krishnagiri District,  
Krishnagiri.

2.The Officer and Managing Director,  
Krishnagiri District Development  
Corporation Agency, Krishnagiri.

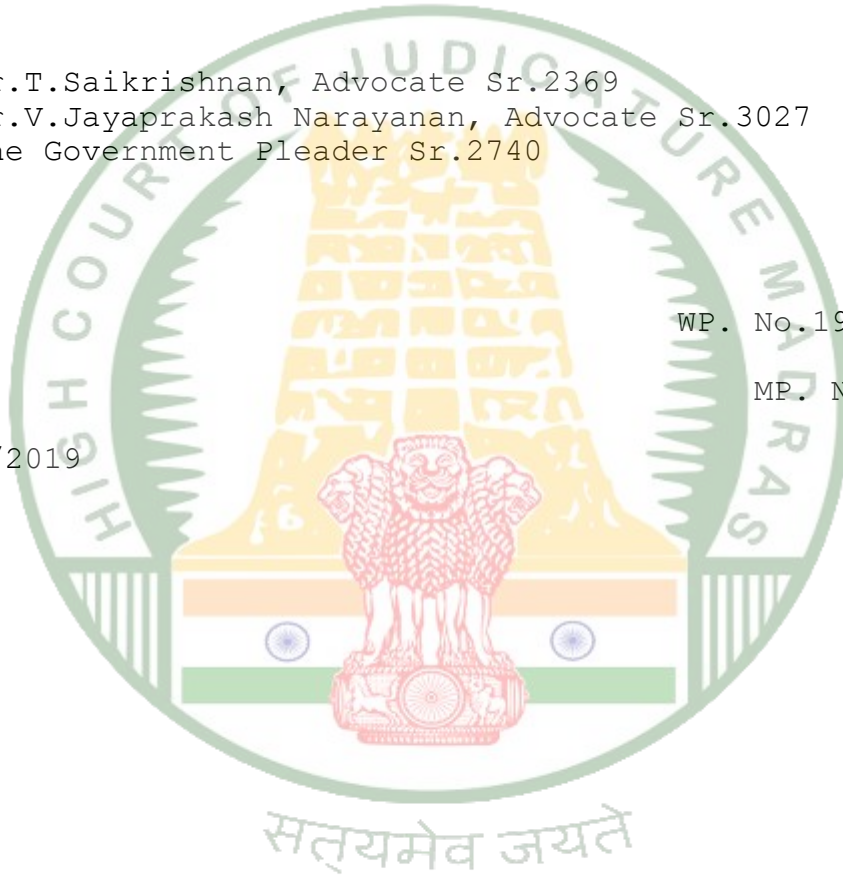
+1cc to Mr.T.Saikrishnan, Advocate Sr.2369

+1cc to Mr.V.Jayaprakash Narayanan, Advocate Sr.3027

+1cc to the Government Pleader Sr.2740

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srg 12/02/2019



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