

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14030 of 2019  
and  
W.M.P.No.14085 of 2019

K.Gopal

..Petitioner

vs

1.The Commissioner of Municipal Administration,  
Ezhilagam Annex, 6<sup>th</sup> floor,  
Chepauk, Chennai-600 006.

2.The Regional Director of Municipal Administration,  
No.10.Sarathy Nagar,  
Kagithapattarai,  
Vellore-632 012.

3.The Commissioner,  
Arcot Municipality,  
Arcot-632 503,  
Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the third respondent in relation to the notice Na.Ka.No.1810/2016/A1 dated 23.03.2018 in respect of Shop No.18 (Demand No.114) situated at Bus stand Building, Arcot, Vellore District and quash the same.

For Petitioner : Mr.G.Poonkundran

For Respondents : Mr.D.Suriya Narayanan  
Additional Government Pleader  
(for R1 and R2)

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to call for the records of the third respondent in relation to the notice Na.Ka.No.1810/2016/A1

dated 23.03.2018 in respect of Shop No.18 (Demand No.114) situated at Bus stand Building, Arcot, Vellore District and quash the same.

2.The case of the petitioner is as follows:-

(i) The petitioner is running a business at Shop No.18, in the Arcot Bus Stand Stall Building, which belongs to the third respondent/ Municipality herein from the year 2009 onwards. At that relevant point of time, viz., for the period from 01.04.2009 to 31.03.2012, the 3<sup>rd</sup> respondent has fixed rent moderately and thereafter, further more periods have been extended by the 3<sup>rd</sup> respondent periodically and the petitioner continued to pay the monthly rent fixed by the respondent. As per G.O.Ms.No.92 dated 03.07.2007, the 3<sup>rd</sup> respondent can revise the rent 15% on the existing rent, viz., a sum of Rs.1,103/-, but, the 3<sup>rd</sup> respondent arbitrarily fixed and revised the rent from Rs.1,103/- to Rs.3,456/-, which is an exorbitant one and the same is 225% increase from the existing rent. Aggrieved against the same, on behalf of the petitioner and other shops, the Nethaji Arcot Municipality Shop Owners Association made a representation dated 31.03.2017 to the 3<sup>rd</sup> respondent requesting not to enhance and revise the rent, as the shop keepers including the petitioner are the leaseholders up to the period 31.03.2018. The 3<sup>rd</sup> respondent has not considered the representation, whereas, issued demand notice and directed to pay the enhanced amount, failing which, the shop will be taken over by the Municipality. The petitioner drawn demand drafts on 12.07.2018, 29.01.2019 for a sum of Rs. 12,237/- respectively in favour of 3<sup>rd</sup> respondent.

(ii) It is represented on behalf of the petitioner that aggrieved by the action of the respondents, the petitioner and other shop owners have filed a batch of writ petitions before this Court and all are dismissed. As against the same, they filed a batch of Writ Appeals, viz., W.A.Nos.1110 to 1116 of 2018, which are also pending before this Court without any Interim Order. Taking advantage of the situation, the 3<sup>rd</sup> respondent issued demand notice to the petitioner and the petitioner had paid the entire amount by way of demand drafts apprehending the eviction proceedings.

3. The Learned Additional Government Pleader appearing on behalf of the respondents, on instructions, would fairly submit that the entire arrears amount have been deposited by the petitioner and there is no threat to the petitioner.

4. Considering the facts and circumstances of the case and taking note of the submission of the learned Additional Government pleader for the respondents that the entire arrears amount has been paid by the petitioner and that there is no threat to the petitioner, the present writ petition is closed.

Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Commissioner of Municipal Administration,  
Ezhilagam Annex, 6<sup>th</sup> floor,  
Chepauk, Chennai-600 006.
2. The Regional Director of Municipal Administration,  
No.10.Sarathy Nagar,  
Kagithapattarai,  
Vellore-632 012.
3. The Commissioner,  
Arcot Municipality,  
Arcot-632 503,  
Vellore District.

+1cc to Mr.G.Poonkundran, Advocate, S.R.No.46383

+1cc to the Government Pleader, S.R.No.46293

W.P.No.14030 of 2019

PA (CO)

RRS (08/07/2019)

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