



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)Nos.6297 to 6321 of 2019 and

WMP(MD).Nos.5020 to 5047 of 2019 in

W.P.(MD)Nos.6297 to 6321 of 2019

MOHANRAJ	... Petitioner in WP(MD).No.6297 to 6299 of 2019
KARTHICK	... Petitioner in WP(MD).No.6300 of 2019
SRIDHAR	... Petitioner in WP(MD).No.6301 of 2019
MOHAMED MUSTHAFA	... Petitioner in WP(MD).No.6302 of 2019
SULAIMAN	... Petitioner in WP(MD).No. 6303 of 2019
AMMASI	... Petitioner in WP(MD).No.6304 of 2019
LAKSHMANAN	... Petitioner in WP(MD).No.6305 of 2019
MOHAMED THANGA	... Petitioner in WP(MD).No.6306 of 2019
PAULRAJ	... Petitioner in WP(MD).No.6307 of 2019
SEENIPANDI	... Petitioner in WP(MD).No.6308 of 2019
JEEVA	... Petitioner in WP(MD).No.6309 of 2019
JEYAPPAUL	... Petitioner in WP(MD).No.6310 of 2019
SOWNDEESWARI	... Petitioner in WP(MD).No.6311 of 2019
SUNDARESWARAN	... Petitioner in WP(MD).No.6312 of 2019
SETHU BALAJI	... Petitioner in WP(MD).No.6313 of 2019
BOSE	... Petitioner in WP(MD).No.6314 of 2019
MURUGAN	... Petitioner in WP(MD).No.6315 of 2019
NANTHAKUMAR	... Petitioner in WP(MD).No.6316 of 2019
SHAHUL HAMEED	... Petitioner in WP(MD).No.6317 of 2019
NEELAKANDAN	... Petitioner in WP(MD).No.6318 of 2019
GURUSAMY	... Petitioner in WP(MD).No.6319 of 2019

SUNDAR RAJAN	... Petitioner in WP(MD).No.6320 of 2019
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... Petitioner in WP(MD).No.6321 of 2019

Vs

1.The Commissioner,
Madurai Corporation, Anna Maligai,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation, Anna Maligai,
Madurai.

... Respondents in all Cases

Prayer in WP(MD).Nos.6297 to 6299 of 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 16/09/2017, 18/09/2017, 18/09/2017 respectively, passed by the respondent no.1 re-fixing and enhancing the rent of the entire shops including the petitioners shop at Central Vegetable Market, Mattuthavani, Madurai and quash the same and consequently direct the respondent No.1 to adjust the excessive rents paid by the petitioners from 01/08/2016 to till date with the future transactions.

Prayer in WP(MD).Nos.6300 to 6321 of 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from collecting enhanced rent from petitioner in respect of the shop.Nos.498, 371, 429, 379, 252, 401, 323, 408, 313, 508, 269 & 364, 333, 290, 406, 431, 340, 367, 413, 304, 265, 474 and 462 in Central Vegetable Market, Mattuthavani, Madurai respectively and consequently direct the respondent No.1 to adjust the excessive rents paid by the petitioners from 01/08/2016 to till date with the future transactions.

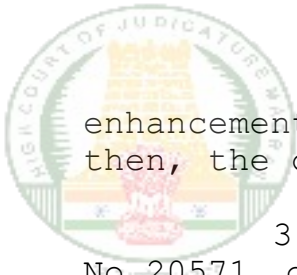
For Petitioner : Mr.S.M.A. Jinnah

For Respondents : Mr. R. Murali
Standing Counsel

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioners herein are lessees and the shops belong to the respondent - Corporation. The petitioners have been in occupation of the shops in question for a long period. The respondents revised the monthly rent payable by the Writ Petitioners. But, then, the respondent chose to enforce the



enhancement in the monthly rent with effect from August 2016. But, then, the demand itself was made only in September 2017.

3. The Hon'ble Division Bench of this Court in WP(MD). No.20571 of 2018 held that such a retrospective demand is not legally sustainable. The Writ Petitions filed by the lessees were disposed of by directing them to pay the revised enhanced rent with effect from September 2017. I had also followed the Judgment of the Hon'ble Division Bench of this Court in WP(MD).No. 23890 of 2017 etc., Batch dated 13.02.2018. The case on hand is covered by the aforesaid orders. Hence, the demand made on the Writ Petitioners is set aside insofar as it pertains to period from August 2016 to September 2017. The enhancement will come into force only from the month of September 2017.

4. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD

ASSISTANT REGISTRAR (CO)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

trp
To

1.The Commissioner,
Madurai Corporation, Anna Maligai, Madurai.

2.The Assistant Commissioner,
Madurai Corporation, Anna Maligai, Madurai.

1CC TO MR. S.M.A. JINNAH, ADVOCATE SR 55058
1CC TO MR. R.MURALI, ADVOCATE SR 54923

DS
9.4.2019
3P - 5C

W.P. (MD) Nos. 6297 to 6321 of 2019 and

WMP (MD) Nos. 5020 to 5047 of 2019 in

W.P. (MD) Nos. 6297 to 6321 of 2019

18.03.2019