



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

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

W.P. (MD) No.12226 of 2015

and

W.M.P(MD) .Nos.1,2 and 3 of 2015

WEB COPY

Maideen Beevi

... Petitioner

Vs

1.The Assistant Director of Town Panchayats,
Madurai, Madurai District.

2.The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.26/2012 dated 30.06.2015 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar

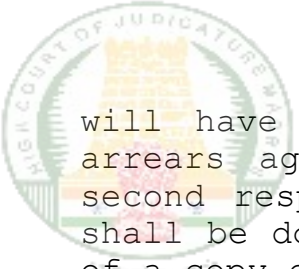
For Respondents : Mr.M.Rajarajan

Government Advocate

ORDER

The petitioner is an occupant of Shop No.15 in the Commercial Complex belonging to the second respondent Panchayat. The petitioner was paying a sum of Rs.1,940/- (Rupees One Thousand Nine Hundred and Forty only) in March 2012. Since the petitioner's rent will have to be enhanced by 15%, it has to be enhanced to Rs.2,300/- (Rupees Two Thousand and Three Hundred only) from April 2012. It has to be further enhanced to Rs.2,615/- (Rupees Two Thousand Six Hundred and Fifteen only) from April 2015 up to March 2018. The petitioner will have to pay the enhanced monthly rental from April 2018 till February 2019, when she vacated the shop. The petitioner's rental arrears and liability will have to be calculated only in this fashion. But the respondent has arbitrarily fixed the petitioner's monthly rental at Rs.3,900/- (Rupees Three Thousand and Nine Hundred only) and quantified the arrears accordingly.

<https://hcservices.ecourts.gov.in/hcservices/> 2. In this view of the matter, the order impugned in this writ petition is quashed, the second respondent is directed to quantify the arrears on the lines indicated above. Of course the petitioner



will have to pay service tax. After adjusting the petitioner's arrears against the deposit amount already remitted by her, the second respondent shall refund the balance amount. This exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

3. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The Assistant Director of Town Panchayats,
Madurai, Madurai District.

2. The Executive Officer,
T. Kallupatti Town Panchayat,
T. Kallupatti,
Madurai District.

+1 CC to M/s. T. LAJAPATHI ROY, Advocate
(SR-56501[F] dated 26/03/2019)

+1 CC to M/s. SPL GP (SR-56291[F] dated 25/03/2019)

W.P. (MD) No. 12226 of 2015
22.03.2019

rmk
ES/DS/25.04.2019/2P/5C