



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)NO.2378 OF 2020

and

W.M.P (MD)No.2036 of 2020

K.Aravind

:Petitioner

.vs.

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

: Respondent

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 pertaining to the impugned order of the respondent dated 20.1.2020 in Na.Ka.No.4290/2019/A1 and to quash the same as illegal and consequently to direct the respondent to consider the application of the Petitioner for renewal and to direct the respondent to fix the rent as per the direction of this Court in W.P(MD)No.13993 of 2017 and batch, dated 21.09.2017.

For Petitioner

:Mr.J.Anandkumar

For Respondent

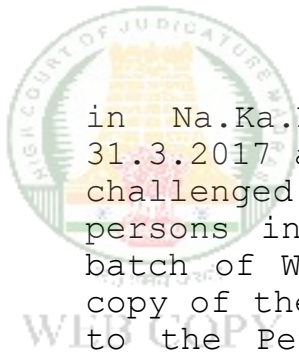
:Mr.P.Mahendran
Standing Counsel

O R D E R

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the respondent dated 20.1.2020 in Na.Ka.No.4290/2019/A1 as illegal and consequently to direct the respondent to consider the application of the Petitioner for renewal and to direct the respondent to fix the rent as per the direction of this Court in W.P(MD)No.13993 of 2017 and batch, dated 21.09.2017.

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

3.Earlier, there was a demand notice issued in the name of Kandasamy, who is the father of the Petitioner herein on 24.7.2017
<https://hcservices.ecourts.gov.in/hcservices/>



in Na.Ka.No.5236/2016/A1 demanding the rent from 1.7.2016 to 31.3.2017 and also from 1.4.2017 to till date. The said notice was challenged by the Petitioner along with other similarly placed persons in W.P(MD)No.14000 of 2017. While disposing of the said batch of Writ Petitions, the respondent was directed to provide a copy of the report of the Committee as well as the Calculation Sheet to the Petitioner forthwith, if not already given. Further, the Petitioner was directed to pay 50% of the enhanced rent immediately. Upon satisfaction of the remittance of 50%, the Petitioners were directed to produce the documents that they have been in their possession for the purpose deciding the fixation of rent and two weeks time was granted for the same. The result of the said exercise is the impugned order demanding arrears of rent of Rs.13,53,468/-. The said demand notice was challenged in the present Writ Petition, contending that the earlier directions given by this Court was not followed and that the respondent has not stated that on what basis the rent has been enhanced. It is also stated that the Petitioner was issued with another notice to offer his explanation. There was an interim order granted by this Court on 7.2.2020, at the time of admission, on condition that the Petitioner pays a sum of Rs.25,000/- per month as rent from 1.4.2017 till today, within a period of four weeks from today, failing which, the interim stay granted shall stand automatically vacated without further reference to this Court and that the Petitioner is also given liberty to deduct the sum already paid at the old rate of rent. Moreover, the first respondent is also directed to furnish the work sheet before this Court, explaining as to how the revised rent has been arrived at.

4.The learned Standing Counsel appearing for the respondent/Municipality states that in respect of arrears, as on date, it amounts to Rs.8,50,000/-.

5.Be that as it may, when the matter is taken up for hearing today, the learned counsel for the respondent had submitted the Calculation Memo explaining as to how the rent was arrived at and the receipt of the same, as acknowledged by the learned counsel for the Petitioner.

6.In view of the above, the respondent is directed to revise the rent based on the Calculation Memo, after giving an opportunity of hearing to the Petitioner... It is open to the Petitioner to file objections, if any and offer his explanation in this regard and based on the said explanation and objections, the respondent is directed to fix the rent to the subject-matter premises. In the meanwhile, the Petitioner is directed to pay the arrears at least as per the interim order passed by this Court on 7.2.2020. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



7.In the result, the impugned order of the respondent, dated 20.1.2020 in Na.Ka.No.4290/2019/A1 stands quashed and the Writ Petition is disposed of to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

+1 CC to M/s.J.ANATHKUMAR, Advocate (SR-8462[F] dated 26/02/2020)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-9014[F] dated 27/02/2020)

ORDER MADE IN
W.P (MD) NO.2378 OF 2020
and
W.M.P (MD) No.2036 of 2020
25.02.2020

JMN(02.03.2020) 3P : 4C