



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.03.2020

CORAM:

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.5388 of 2020

and

W.M.P. (MD) .No.4666 of 2020

K.Ramakrishnan

... Petitioner

Vs.

1.The Commissionarate Municipal Administration,
Ezhilagam Annex Building,
VI Floor, Chepauk, Chennai.

2.The Director,
Regional Directorate Municipal Administration,
Salem Region, Salem.

3.The Commissioner,
Karur Municipality,
Karur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, restraining the respondents and their agents from taking physical of the petitioner's Shop No.13 situated at New Bus stand, Karur Town, Karur District and re-fix the rent for the said shop in accordance with law by considering the petitioner's representation dated 04.02.2020 and payment made on 30.01.2020.

For Petitioner : Mr.V.Sukumar

For R-1 & R-2 : Mrs.J.Padmavathi Devi
Special Government Pleader

For R-3 : M.J.Senthil Kumaraiah
Standing Counsel



O R D E R

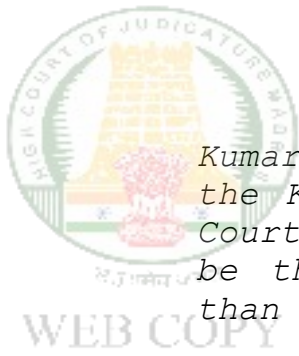
The Writ Petition filed in the nature of a Mandamus seeking a direction against the respondents to consider the representation of the petitioner dated 04.02.2020 and also the payment made towards rent for Shop No.13, situated at New Bus stand, Karur Town, Karur District.

2. Infact, there are about 180 shops in and around Karur Bus-stand. The name of the petitioner's shop is M.Kumar Egg Store. He is running the shop from the year 1993. The shop allotment number is 082/2000031. It had been stated that the rent has been increased periodically in the year 2017. It was fixed at Rs.2,642/-. The petitioner is aggrieved by the order of the third respondent/ the Commissioner, Karur Municipality, Karur, who issued a notice on 04.07.2017, by which the rent was fixed at Rs.12,000/-. The petitioner claims that the necessary opportunity had not been given to him and he had not been heard.

3. It is also pointed by the learned Special Government Pleader, who had taken notice for the first and second respondents that the batch of Writ Petitions were filed by other shop owners in and around Karur Bus-stand like that of the petitioner. In W.P. (MD).No.26256 of 2019 batch, the learned Single Judge of this Court, by a common order dated 12.12.2019, after examining the circumstances and also about the functioning of the Rent Re-fixation Committee, had finally passed the order as follows with the following conditions:

"10.In view of the above, it is now agreed by both parties that the rent may be re-fixed afresh by the Rent Re-fixation Committee. Therefore, in the light of the above discussions, the following order is passed:

(i).The Rent Re-Fixation Committee consisting of the Regional Director of Municipal Administration, Salem, the Commissioner, Karur Municipality, the Revenue Officer, Karur Municipality, the Town Planning Officer, Karur Municipality and the Municipal Engineer, Karur Municipality, has to consider the objections of the petitioners by affording them an opportunity of personal hearing and also written objections before passing order. It is stated by the petitioners than on behalf of all the petitioners, there will be two representatives, who would represent their case.



(ii).As already objections are raised that Mr.Ashok Kumar, the Regional Director, who was the Commissioner of the Karur Municipality is a part of the Committee, this Court is of the view that any other Regional Director may be the member of the Rent Re-fixation Committee other than the said Mr.Ashok Kumar, Karur Regional Director.

(iii).The petitioners would deposit the entire amount demanded in the impugned notice in two installments. The petitioners have to deposit 50% of the amount mentioned in the impugned notice within a period of fifteen days from the date of receipt of a copy of this order as first installment and the second installment should have been paid on or before the next date of hearing before this Court, namely, 20.01.2020. The said deposits are without prejudice to the rights and contentions of the petitioners as if the re-fixed rent is less, it can be always be adjusted with future amounts payable.

(iv)The Rent Re-fixation Committee is directed to fix the date of hearing at the earliest and intimate the same to the Karur Bus-stand Inside and Outside Shops Lesses Welfare Association represented by one Mr.Raju and also to the learned counsel appearing for the petitioners herein. The individual petitioners cannot demand service of notice on them as it is already agreed that service of notice on the above mentioned people is sufficient.

(v).The Rent Re-fixation Committee has to complete the above exercise of giving notice calling for objections affording opportunity of personal hearing for their counsel and one of the representatives, considering and re-fixing the rent as per the norms to be adopted, before the next date of hearing i.e., on 20.01.2020 and report to this Court on 20.01.2020."

4. In the instant case, since the orders have been passed, the Rent Re-fixation Committee, has to complete the exercise of giving notice, calling for objections, granting an opportunity of personal hearing and re-fixing the rent in accordance with the norms, on or before 30.04.2020.

5. The learned counsel appearing for the petitioner also states that with respect to Clause No.(iii), he had also paid 50% of the amount mentioned in the notice issued to him. The said statement is recorded.



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6. With the above observations, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

To

1. The Commissionerate Municipal Administration,
Ezhilagam Annex Building,
VI Floor, Chepauk, Chennai.

2. The Director,
Regional Directorate Municipal Administration,
Salem Region, Salem.

3. The Commissioner,
Karur Municipality,
Karur.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-11694[F])

+1 CC to M/s.V.SUKUMAR, Advocate (SR-11900[F])

Order made in
W.P. (MD)No.5388 of 2020
Dated:13.03.2020

S0 (08.05.2020) 4P-6C