



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) Nos. 6491, 6494, 6495, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6512, 6515 and 6517 of 2020andW.M.P. (MD) Nos. 5812, 5813, 5816, 5817, 5818, 5819, 5820, 5821, 5822, 5823, 5824, 5825, 5826, 5827, 5828, 5829, 5830, 5831, 5832, 5833, 5834, 5835, 5836, 5837, 5838, 5839, 5840, 5841, 5842, 5843, 5846, 5847, 5848, 5849, 5850, 5851 and 6494 of 2020

VR. Bose	...	Petitioner in WP (MD). 6491 of 2020
PR. Sorna Lingam	...	Petitioner in WP (MD). 6494 of 2020
PR. Arasappan	...	Petitioner in WP (MD). 6495 of 2020
R. Arumugam	...	Petitioner in WP (MD). 6497 of 2020
V. Kannan	...	Petitioner in WP (MD). 6498 of 2020
Regina Begum	...	Petitioner in WP (MD). 6499 of 2020
M. Vijayan	...	Petitioner in WP (MD). 6500 of 2020
T. Sivakumar	...	Petitioner in WP (MD). 6501 of 2020
S. Dhanapal	...	Petitioner in WP (MD). 6502 of 2020
K. Sheik Dawood	...	Petitioner in WP (MD). 6503 of 2020
R. M. Pugazhendi	...	Petitioner in WP (MD). 6504 of 2020
S. Ramasamy	...	Petitioner in WP (MD). 6505 of 2020
V. Ravindran	...	Petitioner in WP (MD). 6506 of 2020
P. Jayaraman	...	Petitioner in WP (MD). 6507 of 2020
P. Selvam	...	Petitioner in WP (MD). 6508 of 2020
O. Arunachalam	...	Petitioner in WP (MD). 6512 of 2020
R. Kannan	...	Petitioner in WP (MD). 6515 of 2020
A. Jayakumar	...	Petitioner in WP (MD). 6517 of 2020

VS

The Commissioner
Devakottai Municipality
Devakottai
Sivagangai District

.. Respondent in all Cases

Prayer in WP (MD). 6491 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.10, Busstand West side, Devakottai Sivagangai District and flush the same.

**Prayer in WP(MD). 6494 of 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.6, Vaadiyar Street, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6495 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the Respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.1, Near Office Complex, Thirupattur Road, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6497 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.7, Busstand, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6498 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.4, Vaadiyar Street, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6499 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.8, Thirupattur Road, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6500 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.8, Bus stand West Side, Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 6501 of 2020 :

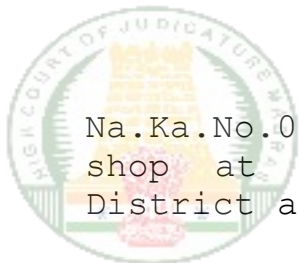
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.5, Bus stand, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6502 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.2, Bus Stand, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6503 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in



Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No..3, East Bus stand, Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 6504 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.4, Bus stand, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6505 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.6, Bus stand , Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 6506 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.8, Vaadiyar Street, Devakottai Sivagangai District and quash the same.

Prayer in WP(MD). 6507 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No..3, Vaadiyar Street, Devakottai, Sivagangai Dist. and quash the same.

**Prayer in WP(MD). 6508 of 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.11 Vaadiyar St, Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 6512 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.2, Vaadiyar Street, Devakottai, Sivagangai Dist. and quash the same.

Prayer in WP(MD). 6515 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.7, Thirupattur Road, Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 6517 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records relating to order in Na.Ka.1100/2019/A2 dated 11.5.2020 of the respondent and the demand notice dated 14.5.2020 in Na.Ka.No.0207/2020/A1 of the Respondent in respect of petitioner's shop at Shop No.13, Bus Stand, Devakottai, Sivagangai District and quash the same.



WEB COPY

For Petitioners

: Mr.AR.L.Sundaresan
Senior Counsel
for Ms.AL.Ganthimathi (in all Cases)

For Respondent

: Mr.H.Mohammed Imran
Standing Counsel
for Devakottai Municipality
(in all Cases)

COMMON ORDER

Heard the learned Senior Counsel appearing for the writ petitioners and the learned Standing Counsel appearing for the respondent.

2.The petitioners are occupants of the shops belonging to the respondent municipality, they had taken the said shops in public auction held several years ago. It is not in dispute that the petitioners have been occupying the shops are the licensees for more than nine years. Therefore, the respondent municipality was at liberty to redetermine the rent payable by them in terms of G.O.M.S.No.92, dated 03.07.2007.

3.When the respondent municipality made such redetermination and enhanced the monthly rent, the petitioners came before this Court and obtained an order of remand. The learned Senior Counsel would point out that the calculation sheets enclosed along with the impugned orders are on the face of it unreasonable and it shows that the respondent did not undertake the work of redetermination of the market value properly.

4.I am afraid that I cannot accede to the said submission. I made it clear to the learned Senior Counsel that the redetermination of the market value made by the respondent municipality may not be amenable to judicial review. Of course, if the petitioners are accepting the redetermined amount, they can continue to occupy the shops in question as licensees. If the offer made by the municipality is not acceptable to them, the only course open to the petitioners is to vacate and take part in the public auction. When this Court made its mind clear the learned Senior Counsel took instructions and submitted that the petitioners would pay the redetermined rent from the month of November 2020. Of course, as per the interim order passed by this Court, the petitioners had been paying 50% of the redetermined



5. Now of course, the question of paying the arrears would arise. The petitioners want this Court to take note of the current pandemic times and the closure of businesses and grant them the facility of clearing the arrears in easy installments. I am therefore, inclined to dispose of the writ petitions with the following directions:-

a) The petitioners can continue as licensees of the respective shops belonging to the respondent municipality provided, they pay the redetermined rent in full with effect from November 2020;

b) The petitioners have to clear the arrears payable upto 31.10.2020 in 9 equal monthly installments. The first monthly installment will commence from 01.11.2020 onwards;

6. With these directions, the writ petitions stand disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The Commissioner, Devakottai Municipality
Devakottai, Sivagangai District

+2 CC to M/s. AL. GANTHIMATHI, Advocate (SR-13414
[F] dated 31/07/2020)

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