



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) Nos. 6672, 6697, 6722, 6733, 7327, 7345,
7354, 7373, 7389 and 7391 of 2020

and

W.M.P. (MD) Nos. 6025, 6060, 6089, 6137, 6774, 6801,
6809, 6818, 6840 and 6843 of 2020

WEB COPY

Saravana Subbu	... Petitioner in WP(MD). 6672 of 2020
Periyannan	... Petitioner in WP(MD). 6697 of 2020
Chithirai Selvan	... Petitioner in WP(MD). 6722 of 2020
Kalimuthu Servai	... Petitioner in WP(MD). 6733 & 7327 of 2020
Periyannan	... Petitioner in WP(MD). 7345 of 2020
Periyannan	... Petitioner in WP(MD). 7354 of 2020
Sornakalai	... Petitioner in WP(MD). 7373 of 2020
M.Karunanidhi	... Petitioner in WP(MD). 7389 of 2020
Periyannan	... Petitioner in WP(MD). 7391 of 2020

- Vs. -

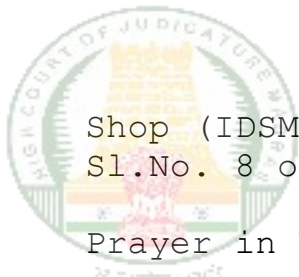
The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District. ... Respondent in All WPs

Prayer in WP(MD). 6672 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, order or direction or any other writ in the nature of a writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dt 29.3.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dated 11.05.2020 for the Shop No.1, Bus Stand Shop, Devakottai, Sivagangai Dt, quash the same and direct the respondent herein to collect the revised rent of Rs.5640-27 from the petitioner for his shop no.1, bus stand shop, Devakottai, Sivagangai Dt, as on 1.4.2016 as fixed in SI.No.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 6697 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No. 1100/2019/A2 dt. 29.03.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dt. 11.05.2020 for the shop No. 15, Bus Stand Shop (IDSMT), Devakottai, Sivagangai Dt, quash the same and direct the respondent herein to collect the revised rent of Rs. 201377.79 from the petitioner for his Shop No. 15, Bus Stand



Shop (IDSMT), Devakottai, Sivagangai Dt as on 1.4.2016 as fixed in Sl.No. 8 of Calculation Memo of the respondent.

Prayer in WP(MD). 6722 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No. 1100/2019/A2 dt. 29.03.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dt. 11.05.2020 for the shop No. 14, Devakottai Bus Stand, Devakottai, Sivagangai District quash the same and direct the respondent herein to collect the revised rent of Rs. 3692-38 from the petitioner for his Shop No. 14, Devakottai Bus Stand, Devakottai, Sivagangai Dt, as on 1.4.2016 as fixed in Sl.No.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 6733 of 2020 :

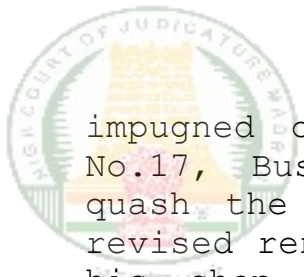
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dt.29.03.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dt.11.05.2020 for the shop No. 8, Bus Stand Shop (IDSMT), Devakottai, Sivagangai District quash the same and direct the respondent herein to collect the revised rent of Rs. 2386.49 as on 1.4.2016 from the petitioner for his Shop No.8, Bus Stand Shop (IDSMT), Devakottai, Sivagangai Dt as fixed in Sl.No. 8 of Calculation Memo of the respondent.

Prayer in WP(MD). 7327 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.110/2019/A2 dated 29.3.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dated 11.5.2020 for the Shop No.13, Thiruppathur Road, Devakottai, Sivagangai District, quash the same and direct the respondent herein to collect the revised rent of Rs.2386.49 from the petitioner for his Shop No.13, Thiruppathur Road, Devakottai, Sivagangai District, as on 1.4.2016 as fixed in Sl.No.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 7345 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dated 29.3.2020 with annexure of calculation Memo and the consequent



impugned order of the respondent dated 11.5.2020 for the Shop No.17, Bus stand shop (IDMST) Devakottai, Sivagangai District quash the same and direct the respondent herein to collect the revised rent of Rs.2135.79 as on 01.4.2016 from the petitioner for his shop NO.17, Bus Stand Shop (IDSMT) Devakottai Sivagangai District as fixed in Si.No.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 7354 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dated 29.3.2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dated 11.5.2020 for the Shop No.14, Bus Stand Shop (IDSMT) Devakottai Sivagangai District quash the same and direct the respondent herein to collect the revised rent of Rs.2386.49 from the petitioner for his Shop No.14 Bus Stand Shop (DSMT) Devakottai Sivagangai District as on 1.4.2016 as fixed in Sl.No.8 of Calculation memo of the respondent.

Prayer in WP(MD). 7373 of 2020 :

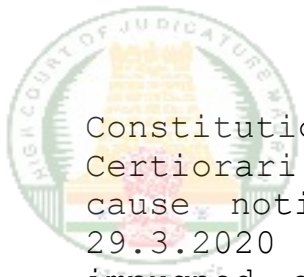
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Certiorari calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dated 29/03/2020 with annexure of Calculation Memo and the consequent impugned order of the respondent dated 11/05/2020 for the Shop No.6, Daily Market , Devakottai, Sivagangai District, quash the same and direct the respondent herein to collect the revised rent of Rs.3919-71 from the petitioner for his Shop No.6, Daily Market, Devakottai, Sivagangai District , as on 01/04/2016 as fixed in SI.NO.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 7389 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorari Calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dated 29.3.2020 with annexure of calculation memo and the consequent impugned order of the respondent dated 11.5.2020 for the Shop No.20, Thiruppathur Road, Devakottai, Sivagangai District quash the same and direct the respondent herein to collect the revised rent of Rs.4818.68 from the petitioner for his shop No.20, Thiruppathur Road, Devakottai, Sivagangai District as on 1.4.2016 as fixed in SI.No.8 of Calculation Memo of the respondent.

Prayer in WP(MD). 7391 of 2020 :

<https://hcservices.ecourts.gov.in/Hcservices/> Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a Writ of Certiorari Calling for the records relating to the impugned show cause notice of the respondent in Na.Ka.No.1100/2019/A2 dated 29.3.2020 with annexure of calculation memo and the consequent impugned order of the respondent dated 11.5.2020 for the Shop No.16, Bus Stand Shop (IDSMT) Devakottai, Sivagangai district, quash the same and direct the respondent herein to collect the revised rent of Rs.2386.49 from the petitioner for his shop No.16, Bus Stand Shop (IDSMT) Devakottai, Sivagangai District as on 1.4.2016 as fixed in SI.No.8 of Calculation Memo of the respondent.

For Petitioners : Mr.K.Saravanan (in all WPs)

For Respondent : Mr.H.Mohammed Imran
Standing Counsel (in all WPs)

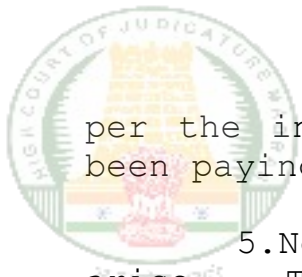
COMMON ORDER

Heard the learned 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 as 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 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 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 counsel took instructions and submitted that the petitioners would pay the 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 rent.

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.

+5 CC to M/s.B. MURUGANANDAM, Advocate (SR-13491 to 13495[F] dated 03/08/2020)

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and

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TR (20.08.2020) 5P 6C

<https://hcservices.ecourts.gov.in/hcservices/>