



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2020
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)Nos.7895 to 7906 of 2020 and

W.M.P. (MD)Nos.7356 to 7367 of 2020

S.Murali	...	Writ Petitioner in WP(MD). 7895/ 2020
S.Subramani	...	Writ Petitioner in WP(MD). 7896/ 2020
P.K. Rajendran	...	Writ Petitioner in WP(MD). 7897/ 2020
Venkatesan	...	Writ Petitioner in WP(MD). 7898/ 2020
K.Jayabal	...	Writ Petitioner in WP(MD). 7899/ 2020
P.Jagadeesan	...	Writ Petitioner in WP(MD). 7900/ 2020
Atheep John	...	Writ Petitioner in WP(MD). 7901/ 2020
Sathasivam	...	Writ Petitioner in WP(MD). 7902/ 2020
Venkatachalapathi	...	Writ Petitioner in WP(MD). 7903/ 2020
K. Munusamy	...	Writ Petitioner in WP(MD). 7904/ 2020
Subramaniyam	...	Writ Petitioner in WP(MD). 7905/ 2020
G. Matheshwaran	...	Writ Petitioner in WP(MD). 7906/ 2020

vs

- 1.The Commissionerate Municipal Administration,
Ezhilagam Annexe Building,
Vith Floor Chepauk, Chennai.
- 2.The Director,
Regional Directorate of Municipal Administration,
Salem Region, Salem.
- 3.The Commissioner,
Karur Municipality, Karur. ... Respondents in all Cases

Common Prayer in WP(MD). Nos.7895 to 7906 of 2020 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 3rd Respondent herein to consider the Petitioners representations dated 11.07.2020 and keep the notice in Na.Ka.No. 2196/2016/A6 dated 19.06.2020 received on 10.07.2020 in abeyance till the disposal of the appeal pending before the 1st Respondent herein (in the issue of challenging the re-fixation of rent) and also taking note of Nationwide Covid-19 pandemic situation and pass orders within a stipulated time fixed by this Honourable Court.



For Petitioners : Mr.D.Nallathambi (in all cases)
For R-1 & R-2 : Mr.M.Rajarajan,
Government Advocate.(in all cases)
For R-3 : Mr.J.Senthilkumariyah
Standing counsel(in all cases)

* * *

WEB COPY

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for respondents 1 and 2 and the learned Standing counsel appearing for the third respondent municipality.

2. The petitioners herein are occupants of the shops belonging to the third respondent municipality.

3. The petitioners had quite sometime back completed the period of nine years as licensees. Therefore, the municipality was very much right in redetermining the monthly rental value. But then, the quantum of redetermination became as an issue. There has been a serious litigation between the writ petitioners and the municipality.

4. At present, the matter is pending before the first respondent. The licensees/writ petitioners have challenged the decision of the third respondent municipality before the first respondent. The first respondent has to take a decision as to whether the rent fixed by the Rent Re-Fixation Committee is in order or not.

5. The petitioners have conceded before this Court that they had been directed to clear the arrears in the writ proceedings disposed of in January 2020. Therefore, as rightly pointed out by the learned Standing counsel appearing for the municipality, the petitioners are not having any legal right as such. But then, I have to necessarily take note of the fact that we are living in pandemic times and the businesses have virtually come to a standstill. Therefore, in the interest of justice, till the first respondent takes a decision on the appeals filed by the petitioners herein, the third respondent can be directed to keep their decision in abeyance.

6. But then, the petitioners cannot seek to prolong the matter. Therefore, the first respondent is mandated to dispose of the appeals filed by the petitioners on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Till the first respondent takes a decision, status quo as on date will continue. In other words, the writ petitioners will not be dispossessed on the ground that they have not cleared the rental arrears.



7. With these directions to the first respondent, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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:

1. The Commissionerate Municipal Administration,
Ezhilagam Annexe Building,
VI Floor, Chepauk,
Chennai.
 2. The Director,
Regional Directorate of Municipal Administration, Salem Region,
Salem.
 3. The Commissioner,
Karur Municipality,
Karur.
- +2 CC to M/s.D.NALLATHAMBI, Advocate (SR-13232[F] dated 24/07/2020), (SR-13262[F] dated 27/07/2020)

W.P. (MD) Nos.7895 of 2020 and
etc., Batch cases
23.07.2020

KK (30.07.2020) 3P 6C