



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)Nos.8821, 8822, 8827, 8832 and 8833 of 2020

and

W.M.P.(MD)Nos.8088, 8089, 8094, 8099 and 8098 of 2020

Amutha ... Petitioner in W.P.(MD)No.8821 of 2020
Perumal ... Petitioner in W.P.(MD)No.8822 of 2020
P.Ramasamy ... Petitioner in W.P.(MD)No.8827 of 2020
Venkatraman ... Petitioner in W.P.(MD)No.8832 of 2020
M.Puspa ... Petitioner in W.P.(MD)No.8833 of 2020

Vs.

1. The Commissionarate Municipal Administration,
Ezhilagam Annexe Building,
VI Floor, Chepauk,
Chennai.
2. The Director,
Regional Directorate of Municipal Administration,
Salem.
3. The Commissioner,
Karur Municipality,
Karur.

... Respondents in all W.Ps

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to consider the petitioners' representation dated 25.07.2020, 25.07.2020, 11.07.2020, 16.07.2020 and 24.07.2020 respectively and keep the notice in Na.Ka.No.2196/2016/A6 dated 19.06.2020 received on 23.07.2020, 24.07.2020, 10.07.2020, 13.07.2020 and 24.07.2020 respectively, in abeyance till the disposal of the appeal pending before the first 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 Court.

(in all W.Ps)

For Petitioners

: Mr.D.Nallathambi

For R-1 & R-2

: Mr.A.Muthukaruppan,
Government Advocate.

For R-3

: Mr.J.Senthilkumariyah

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.

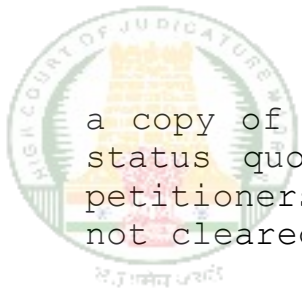
2. The petitioners herein are occupants of the shops belonging to the third respondent municipality.

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.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias/dss

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,
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VI Floor, Chepauk,
Chennai.
2. The Director,
Regional Directorate of Municipal Administration,
Salem.
3. The Commissioner,
Karur Municipality,
Karur.

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-13759[F] dated 06/08/2020)

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and
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