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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)Nos.16804, 16807,
16811, 16814, 16817 & 16821 of 2020**

and

**W.M.P. (MD) .Nos.14036, 14040, 14042, 14050
14052 & 14055 of 2020**

V.K.T.Thangavelamy	...Petitioner in WP(MD).No.16804 of 2020
M.Vellaisamy	...Petitioner in WP(MD).No.16807 of 2020
T.V.Mahadevan	...Petitioner in WP(MD).No.16811 of 2020
S.P.Raja	...Petitioner in WP(MD).No.16814 of 2020
Nagalakshmi	...Petitioner in WP(MD).No.16817 of 2020
A.Serma Mani	...Petitioner in WP(MD).No.16821 of 2020

Vs

1.The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

... Respondents in all WPs

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from collecting enhanced rent from the petitioner in respect of Shop Nos.375, 278, 320, 328, 416 and 342 in Central Vegetable Market, Mattuthavani, Madurai respectively and consequently direct the first respondent to adjust the excessive rents paid by the petitioners from 01.08.2016 till date with future transactions.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.Murali
Standing Counsel

COMMON ORDER

(These Petitions were heard through the Video Conferencing)

These Writ Petitions have been filed by some of the tenants under the respondent Corporation to forbear the respondents from collecting enhanced rent from the respective petitioners in respect of their shops at Central Vegetable Market, Mattuthavani, Madurai and consequently directing the first respondent to adjust the excessive rents paid by them in the future rents.



2. Mr.R.Murali, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission themselves.

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3. Heard Mr.S.M.A.Jinnah, learned counsel for the petitioners and Mr.R.Murali, learned Standing Counsel for the respondents.

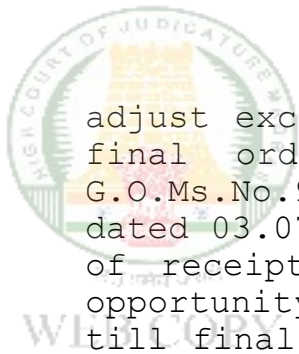
4. It is the case of the respective petitioners that they have been paying agreed rent to the respondent Corporation without committing any default. It is their case that as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the respondent Corporation is entitled to enhance the rent by 15% every three years. However, according to them, arbitrarily and without adhering to the aforementioned Government Order, the respondents have enhanced the rent by more than 90%. All the respective petitioners have given representations to the respondent Corporation calling upon them to fix the revised rent in accordance with G.O.Ms.No.92, Municipal Administration and Water Supply Department, Dated 03.07.2007.

5. In these Writ Petitions, the respective petitioners have sought for Mandamus to forbear the respondents from collecting enhanced rent and consequently directing the first respondent to adjust the excessive rents paid by them. In such circumstances, these Writ Petitions have been filed.

6. Admittedly, the representations of the petitioners seeking for payment of the revised rent as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, has not been considered by the respondents till date. G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, prescribes that rents will have to be enhanced by the respondent Corporation at 15% for every three years. It is the case of the respective petitioners that the respondents have increased rent for their shops by more than 90% which is not in accordance with G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

7. No prejudice will be caused to the respondents, if the representations of the respective petitioners are considered by them on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the first respondent to consider the respective representations of the petitioners seeking for collection of enhanced rent as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 and consequently requesting the first respondent to



adjust excessive rents paid by them from the future rents and pass final orders on merits and in accordance with law as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording sufficient opportunity to the respective petitioners. It is made clear that till final orders are passed, the respondents shall not disturb the peaceful possession and enjoyment of the respective shops by the respective petitioners.

9. With the aforesaid directions, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2020

Sub Assistant Registrar(CS)

tsg

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 Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.
- 2.The Assistant Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

Common order made in
W.P. (MD) Nos.16804, 16807,
16811, 16814, 16817 & 16821 of 2020
26.11.2020

SE (CO)

TR(07.12.2020) 3P 3C