



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **22.12.2020**
CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

WEB COPY

W.P. (MD) Nos.18946, 18955, 18962, 18968 to 18970, 18972, 18986 to 18989, 19005, 19011 and 19013 of 2020

and

W.M.P. (MD) Nos.15865, 15869, 15872, 15876 to 15878, 15883 to 15885, 15897, 15898, 15900, 15902 to 15910, 15924, 15926 to 15933, 15938, 15939, 15943, 15945, 15948 to 15951 of 2020

(Through the Video Conferencing)

N.Vasudevan	... Petitioner in W.P. (MD).18946 of 2020
Vadivukarasi	... Petitioner in WP (MD). 18955 of 2020
M. Ramu @ Ramasamy	... Petitioner in WP (MD). 18962 of 2020
M.Karuppannan	... Petitioner in WP (MD). 18968 of 2020
Palanisamy	... Petitioner in WP (MD). 18969 of 2020
Kavitha	... Petitioner in WP (MD). 18970 of 2020
K.M.Chandrasekar	... Petitioner in WP (MD). 18972 of 2020
Selvaraj	... Petitioner in WP (MD). 18986 of 2020
R.Thangavel	... Petitioner in WP (MD). 18987 of 2020
N.Rajam	... Petitioner in WP (MD). 18988 of 2020
G.Saraswathi	... Petitioner in WP (MD). 18989 of 2020
S.Rajagopal	... Petitioner in WP (MD). 19005 of 2020
C.M.Kannan	... Petitioner in WP (MD). 19011 of 2020
R.Amaravathi	... Petitioner in WP (MD). 19013 of 2020

Vs.

1.The Commissionarate of Municipal Administration,
Ezhilagam Annexe Building,
VI Floor, Chepauk, Chennai.

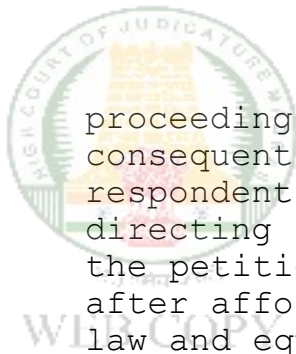
2.The Director,
Regional Directorate of Municipal Administration,
Salem Region, Salem.

3.The Commissioner,
Karur Municipality,
Karur.

... Respondents (in all Writ Petitions)

Prayer in W.P. (MD).18946 / 2020 :

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in his



proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 13.10.2020 issued by the third respondent herein and quash the same as illegal and further directing the first respondent herein to re-hear the appeal filed by the petitioner through their association dated 11.07.2020 on merits, after affording personal hearing and fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation.

Prayer in WP(MD). 18955/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 13.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by her through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fac

Prayer in WP(MD). 18962/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 7.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fact

Prayer in WP(MD). 18968/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 13.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of



challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fact.

Prayer in WP(MD). 18969/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 7.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fact

Prayer in WP(MD). 18970/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 7.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by her through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fact

Prayer in WP(MD). 18972/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 18.11.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fact

Prayer in WP(MD). 18986/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 13.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fac

Prayer in WP(MD). 18987/ 2020 :

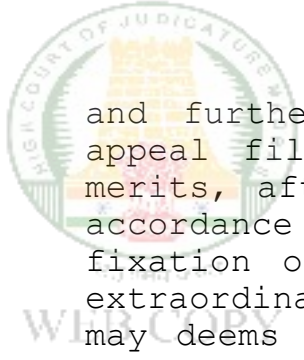
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 07.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fac

Prayer in WP(MD). 18988/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and consequential demand notice dated 07.10.2020 issued by the 3rd Respondent herein and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by her through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the fac

Prayer in WP(MD). 18989/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and quash the same as illegal



and further directing the 1st Respondent herein to re-hear the appeal filed by her through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 19005/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 19011/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by him through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 19013/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st Respondent in his proceedings in Na.Ka.No.14/2020/R-2 dated 14.09.2020 and quash the same as illegal and further directing the 1st Respondent herein to re-hear the appeal filed by her through our association dated 11.07.2020 on merits, after affording personal hearings and pass fresh orders in accordance with law and equity (in the issue of challenging the re-fixation of rent) by taking note of Nationwide Covid-19 pandemic extraordinary situation and pass such other further orders as that



may deem fit to the facts and the circumstances of the case and thus render justice.

For Petitioner : Mr.V.Meenakshisundaram
(in all W.Ps.)

For R1 & R2 : Mr.A.Karthik,
(in all W.Ps.) Government Advocate

For R3 : Mr.D.Raghu
(in all W.Ps.) Standing Counsel.

COMMON ORDER

(These petitions were heard through video conferencing)

These writ petitions have been filed by the tenants under the third respondent Municipality challenging the common order, dated 14.09.2020 passed by the first respondent as well as the consequential demand notice, dated 13.10.2020 issued by the third respondent whereby appeals filed by the respective petitioners pursuant to the directions given by this Court in W.P.(MD)Nos.8821, 8822, 8827, 8832, 8833 of 2020 dated 06.08.2020 was rejected by the respondents.

2. Mr.A.Karthik, learned Government Advocate, accepts notice for the respondents 1 and 2 and Mr.D.Raghu, learned Standing Counsel, accepts notice for the third respondent in all these Writ Petitions. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage themselves. Since the relief sought for in these Writ Petitions are one and the same, they are disposed of by a common order.

3. The petitioners are the tenants under the third respondent Municipality occupying different shops. The petitioners have challenged the impugned order on the ground that the first respondent has rejected the appeal against law and weight of evidence. It is their case that the impugned order is only a replica of the earlier order passed by the Rent Re-fixation Committee. According to them, no personal hearing was afforded to them. It is their case that the first respondent has not complied with the order of this Court passed in W.P.(MD)Nos.7895 to 7906 of 2020 in letter and spirit and has violated the principles of natural justice without affording sufficient opportunity to the respective petitioners to raise all their contentions.

4. It is the case of the petitioners that they have filed statutory appeal before the first respondent to overcome the discrepancies in the earlier re-fixation of rent by the Rent Re-fixation Committee. According to the petitioners, the first respondent has not gone into all these aspects and has passed the



impugned common order. It is also their case that by total non-application of mind, the common impugned order has been passed by the first respondent. In such circumstances, these writ petitions have been filed.

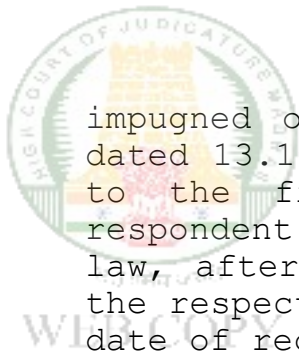
5. Heard Mr.V.Meenakshisundaram, learned counsel appearing for the petitioners, Mr.A.Karthik, learned Government Advocate appearing for the first and second respondents and Mr.D.Raghu, learned Standing Counsel appearing for the third respondent.

6. The learned counsel appearing for the petitioners drew the attention of this Court to the order dated 23.07.2020 in W.P. (MD) Nos.7895 to 7906 of 2020 as well as the report of the Rent Re-fixation Committee, which is under challenge before the first respondent. The learned counsel appearing for the petitioners also drew the attention of this Court to the impugned order, wherein, the first respondent accepted the Rent Re-fixation Committee's report in toto. According to the petitioners, no personal hearing was afforded by the first respondent to them.

7. Per contra, the learned standing counsel appearing for the third respondent would submit that the Rent Re-fixation Committee has considered all the contentions of the petitioners and therefore, there was no necessity for the first respondent to reconsider the same. According to him, the first respondent has passed a detailed order and there is no violation of principles of natural justice. Therefore, it is his case that the order impugned is to be confirmed, on account of the fact that several Crores is due from the petitioners and only to protract the proceedings, these writ petitions have been filed.

8. This Court perused and examined the impugned order, dated 14.09.2020 passed by the first respondent. Admittedly, no personal hearing was afforded to the petitioners in the said proceedings. The petitioners have also not been granted opportunity to file any written submission with regard to their respective contentions before the first respondent. It is also not indicated in the impugned order that notice was given to the respective petitioners calling upon them to file their written submission. While that be so, it is clear that principles of natural justice has been violated by the first respondent while passing the impugned order. It is settled law that any statutory Authority will have to adhere to principles of natural justice before passing of any orders, which affects the rights of any party. In the case on hand, the petitioners have not been given fair hearing, as seen from the impugned proceedings.

9. For the foregoing reasons, this Court is of the considered view that the impugned order passed by the first respondent is arbitrary and has violated the principles of natural justice and hence, the same has to be quashed. Accordingly, the



impugned order, dated 14.09.2020 and consequential demand notice, dated 13.10.2020 are hereby quashed and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall pass final orders on merits and in accordance with law, after affording sufficient opportunity of personal hearing to the respective petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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 Commissionarate of 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.

+1 cc to Mr.D.NALLATHAMBI ,Advocate, SR No.26880

+1cc to M/s.Special Government Pleader, SR No.27069

Common Order made in

**W.P. (MD) Nos.18946, 18955, 18962,
18968 to 18970, 18972, 18986 to 18989,
19005, 19011 and 19013 of 2020
22.12.2020**

SV2 (CO)

KK(19.01.2021) 8P 6C