



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.7914 to 7916 & 10905 of 2017

and

W.M.P. (MD) .Nos.6139 to 6141 & 8335 of 2017

WEB COPY

W.P. (MD) .No.7914 of 2017

S.Balaguru

... Petitioner

Vs.

The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings pursuant to the notice dated 07.04.2017 in Na.Ka.No.358/2017/A3 of the respondent herein in respect of the shop at No.59, Godown Netaji Road 1, Srivilliputhur, Virudhunagar District and quash the same and consequently, direct the respondent herein to renew the lease in respect of Shop No.59, Godown Netaji Road 1, Srivilliputhur, Virudhunagar District, in favour of the petitioner for the period from 01.04.2017 to 31.03.2020.

For Petitioner

: Mr.C.Mahadevan
for Ms.A.L.Gandhimathi

For Respondent

: Mr.J.Parekh Kumar

W.P. (MD) .No.7915 of 2017

R.Kannan

... Petitioner

Vs.

The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur, Virudhunagar District.

... Respondent

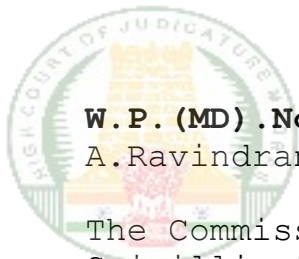
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings pursuant to the notice dated 07.04.2017 in Na.Ka.No.358/2017/A3 of the respondent herein in respect of the shop at No.60, Godown Netaji Road 2, Srivilliputhur, Virudhunagar District and quash the same and consequently, direct the respondent herein to renew the lease in respect of Shop No.60, Godown Netaji Road 2, Srivilliputhur, Virudhunagar District, in favour of the petitioner for the period from 01.04.2017 to 31.03.2020.

For Petitioner

: Mr.C.Mahadevan
for Ms.A.L.Gandhimathi

For Respondent

: Mr.J.Parekh Kumar



W.P. (MD) .No.7916 of 2017

A.Ravindran

... Petitioner

Vs.

The Commissioner,
Srivilliputhur Municipality, Srivilliputhur,
Virudhunagar District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings pursuant to the notice dated 07.04.2017 in Na.Ka.No.358/2017/A3 of the respondent herein in respect of the shop at No.96/1, Bus Stand first floor, Srivilliputhur, Virudhunagar District and quash the same and consequently, direct the respondent herein to renew the lease in respect of Shop No.96/1, Bus Stand first floor, Srivilliputhur, Virudhunagar District in favour of the petitioner for the period from 01.04.2017 to 31.03.2020.

For Petitioner	: Mr.C.Mahadevan for Ms.A.L.Gandhimathi
For Respondent	: Mr.J.Parekh Kumar

W.P. (MD) .No.10905 of 2017

M.Thangaiah

... Petitioner

Vs.

The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur Town, Virudhunagar District.

... Respondent

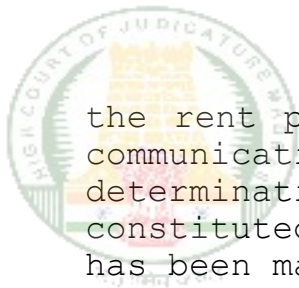
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.No.358/2017/A3, dated 07.04.2017 and to quash the same and consequently forbear the respondent from revising the rent until the expiry of license period of three years i.e., till 31.03.2018.

For Petitioner	: Mr.V.Rajasekaran
For Respondent	: Mr.J.Parekh Kumar

COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Standing counsel appearing for the respondent / Municipality.

2. The writ petitioners are occupants of the shops belonging to the respondent. The petitioners have been in occupation for more than nine years. Therefore, the Municipality was under an obligation to redetermine the rent payable by the petitioners. Acting in terms of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the respondent redetermined



the rent payable by the petitioners. A mere look at the impugned communication would indicate that this re-fixation or re-determination was not done arbitrarily. A Re-fixation Committee was constituted and it went into the issue. Only thereafter, the demand has been made.

WEB COPY

3. This communication of the respondent is under challenge in these Writ Petitions.

4. The petitioners contend that they were not put on notice and that they were not involved in the process of redetermination.

5. I am afraid that I cannot accept such a contention. The petitioners have a clear choice before them. After the expiry of the nine years period, they can continue to occupy the shops only if they accept the demand made by the respondent herein. If the offer of the respondent is not acceptable, the only course open to the petitioners is to vacate and hand over the vacant possession of the Municipality. It is well settled that the public property should be made to fetch the highest value. These are matters involving the revenue interest of the respondent. The respondent can arrive at the market value only when the property is put to public auction. Therefore, the petitioners should either agree to pay the redetermined rent or let the Municipality to bring the property to auction. They cannot continue to be in possession of the property and entangle the respondent in litigation with regard to redetermination.

6. When I posed a question to the petitioners' counsel as to whether the petitioners are willing to agree to pay the redetermined rent, the petitioners' counsel was not in a position to give an affirmative response.

7. In the very nature of things, judicial review in such matters is limited. When the petitioners are not willing to abide by the parameters set out in G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the only course open to this Court is to dismiss these Writ Petitions. The Writ Petitions are accordingly dismissed. No costs.- Consequently, the connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (ACCOUNTS)

// True Copy //

/ /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.

+3 CC to M/s.AL. GANTHIMATHI, Advocate (SR-13267 to 13269[F] dated 28/07/2020)

**Common order made in
W.P. (MD) .Nos. 7914 to 7916 & 10905 of 2017
24.07.2020**

KM (02.09.2020) 4P 4C