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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.07.2020
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD).Nos.9354 and 10909 of 2017
and
W.M.P.(MD).Nos.7223 and 8340 of 2017

W.P.(MD).No.9354 of 2017

R.Thangaraj ...Petitioner

Vs.

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

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call 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.H.Arumugam
For Respondent : Mr.J.Parkeesh Kumar

W.P.(MD).No.10909 of 2017

V.Gopal ...Petitioner

Vs.

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

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call 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 31.03.2020.

For Petitioner : Mr.S.Mahalingam
For Respondent : Mr.J.Parkeesh Kumar

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COMMON ORDER

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

2. The petitioners are occupying the shops belonging to the respondent Municipality as licensees. The nine year period expired on 31.03.2017. The rights of the petitioners to continue to be the licensees under the respondent even thereafter would depend on the consensus that may be arrived at between the parties in terms of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. The respondent Municipality is mandated to revise the rent and fix it at the market level as per the said Government Order. An offer has to be made to the petitioners. If the petitioners accept the offer of the Municipality, the petitioners can continue to be in occupation. If the redetermined market rent is not acceptable to the petitioners, then, they have to vacate and the property will have to be let out based on the out come of a public auction.

3.It is not open to the Writ Court to interfere in such matters, the petitioners' counsel complain that the redetermination has been very steep and unfair. I make it clear that it is for the petitioners to take a decision in the matter. The petitioners' counsel state that they would abide by the decision of the respondent Municipality. If the petitioners abide by the decision of the respondent Municipality which of course cannot be un-reasonable, but which will have to be fixed only in terms of the aforesaid Government Order, the petitioners can very well continue to be in possession of the shop in question as licensees.

4.The petitioners' counsel state that the Writ Petitions were admitted and interim orders were granted on certain terms and that the petitioners may be given some time to clear the arrears. I take note of the fact that we are now in pandemic times. The petitioners' business must have already been paralysed and closed. Therefore, the petitioners have to be shown some indulgence. They are given twelve weeks time from the date of receipt of copy of this order to clear the arrears.

5.The Writ Petitions stand disposed of on these terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

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

COMMON ORDER MADE IN
W.P.(MD).Nos.9354 and 10909 of 2017
17.07.2020

VB (24.07.2020) 3P 2C

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