



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH., J

W.P.No.772 of 2019 &  
W.M.P.No.847 of 2019

Burma Thamizar Marumalarchi Sangam,  
Rep. By its General Secretary, Mr.A.Ameer Hamsa,  
Twenty Star Complex, 1<sup>st</sup> Floor,  
No.7/8, 2<sup>nd</sup> Lane Beach,  
Chennai 600 001.

.. Petitioner

Vs

1.The Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Chennai 600 003.

2.The Assistant Revenue Officer,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai 600 003.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2<sup>nd</sup> respondent to re-fix the rent for the shops after affording personal hearing to the petitioner and within the time frame fixed by this Court.

For Petitioner : Mr.R.Natarajan

For Respondents : Mrs.P.T.Ramadevi  
Standing counsel for R1 & R2

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the 2<sup>nd</sup> respondent to re-fix the rent for the shops that have been allotted to the members belonging to the petitioner association by considering the representation made by the petitioner association on 03.01.2018.

2. Heard the learned counsel for the petitioner and Mrs.P.T.Rama Devi, learned Standing counsel appearing for respondents 1 and 2.



3. The respondents have filed a counter affidavit. A stand has been taken in the counter affidavit to the effect that the Corporation had taken into consideration all the relevant materials and a resolution was passed on 21.02.2017 and thereafter, the rent was fixed. A further stand has been taken in the counter to the effect that in many of the shops, the original allottees are not in possession of the shops and they have unauthorisedly leased it/ sub-let to some 3<sup>rd</sup> parties. Therefore, the Corporation also wants to conduct a physical inspection of the shops in Burma Bazaar.

4. The learned standing counsel appearing on behalf of the respondent corporation submitted that the representative of the petitioner association is yet to approach the 2<sup>nd</sup> respondent and only if the association comes up with their request, it can be considered by the respondents.

5. In reply to the said submission, the learned counsel for the petitioner submitted that the representative of the petitioner association will immediately attend an enquiry before the 2<sup>nd</sup> respondent and furnish all the particulars and some time limit may be fixed by this Court to enable the respondents to arrive at a conclusion.

6. Taking into consideration the facts and circumstances of the case and the specific stand taken on either side and without going into the merits of the case, there shall be a direction to the representative of the petitioner association to go over to the office of the 2<sup>nd</sup> respondent on 11.08.2021 at 11.30 a.m. The representative shall present the representation of the members of the association along with all the relevant materials. The 2<sup>nd</sup> respondent shall consider the same and after conducting a physical verification, shall take a final decision in consultation with the 1<sup>st</sup> respondent, within a period of eight weeks thereafter and convey the decision to the petitioner association.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rka



To

1.The Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Chennai 600 003.

2.The Assistant Revenue Officer,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai 600 003.

+1cc to Mr.R.Natarajan, Advocate (SR No.37545)

+1cc to M/s.P.T.Ramadevi, Advocate (SR No.37201)

W.P.No.772 of 2019 &  
W.M.P.No.847 of 2019

AKII (CO)  
PR (05/08/2021)