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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 7953 of 2019
and
W.M.P. No. 8558 of 2019

R.Shanmugam

...Petitioner

Vs.

The Commissioner
Vellore Corporation
Vellore.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondent from evicting the Petitioner from the shop situated at No.E-56, Nethaji Market, Vellore, which comes under the Respondent and consequently, to direct the Respondent to reduce the rent and re-fix the monthly rent in reasonable manner and based on the representation dated 14.02.2019.

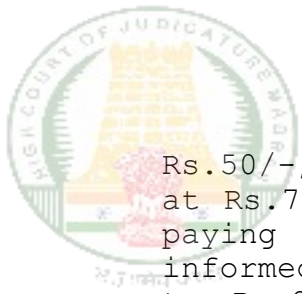
For Petitioner : Mr.M.Rajendiran

For Respondent : Ms.P.Shanthi

O R D E R

This Writ Petition has been filed for a direction, forbearing the Respondent from evicting the Petitioner from the shop situated at No.E-56, Nethaji Market, Vellore and consequently, directing them to reduce and refix the monthly rent in respect of the said shop, in a reasonable manner, based on the petitioner's representation dated 14.02.2019.

2.It is averred by the petitioner in the affidavit filed in support of this writ petition that he is running a small coconut shop in No.E56, Nethaji Market, Vellore, which was allotted by the respondent in favour of his uncle viz., Kulasekaran Mudaliar. The petitioner entered into a shop agreement with the legal heirs of the said allottee, Kulasekaran Mudaliar, in the year 1999. At the time of allotment, the rent was fixed at



Rs.50/-, which was increased from time to time and lastly, fixed at Rs.750/- including GST and the petitioner has been regularly paying the same without any default. While so, the respondent informed the petitioner that the monthly rent has been enhanced to Rs.8,000/-. It is the grievance of the petitioner that without any notice / proceedings, as prescribed under the law, the respondent has increased the shop rent to Rs.8,000/-, which is more than ten times of the existing rent. Feeling aggrieved, he made a representation dated 14.02.2019 to the respondent, which is pending without any consideration. Hence, the petitioner has approached this Court with this writ petition for the aforesaid relief.

3.The prayer made in this writ petition has been strongly opposed by the Respondent, by filing a counter affidavit, wherein in paragraphs 5 and 6, it is stated as follows:-

"5.The Respondent humbly submits that the rent was increased for the above mentioned shop based on size of the shop after taking measurement and proper calculation was made by following correct procedure to enhance the rent. In the calculation land value and size of the land is taken into account and the building value is taken only as Re.1/-.

6.The Respondent humbly submits that the land value is Rs.5,000/- per square feet on 01.07.2016 and as the area of the land of the shop is 272 sq. ft., it is calculated as $272/5000/2 = \text{Rs. } 6,80,000/-$ and with the building value at Re.1, the total value of the building + land is $\text{Rs.} 6,80,000/- + \text{Rs.} 1 = \text{Rs.} 6,80,001/-$. Further as the use of the building is Non-Residential purpose, it is taken at 12% for rent. Hence the calculation is $\text{Rs.} 6,80,001/- \times 12/100 \times 1/12 = 6800$. Hence the rent is Rs.6800/- per month for the above mentioned shop and on adding GST @ 18% (Rs.1224/-), it is $6800 + 1224 = \text{Rs. } 8024/-$ per month. So, proper calculation is made and on that calculation only rent is enhanced."

Stating so, the Respondent sought to dismiss the Writ Petition.

4.In the light of the averments so made in the counter affidavit filed by the respondent, this Court, without expressing any opinion on the merits of the case, directs the Respondent to pass appropriate orders, on the representation of the petitioner dated 14.02.2019, on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Maya

To

The Commissioner
Vellore Corporation
Vellore.

W.P. No.7953 of 2019

GPL(CO)
HS(14/07/2021)