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IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 13.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.A.No.974 of 2018 and C.M.P. Nos.8230 & 8231 of 2018

- 1.Shaik Haja
 - 2.Santha
 - 3.Mohanarangan
 - 4.Md.Kassim
 - 5.Md.Ali
 - 6.A.Shahjahan
 - 7.G.Sivanadams (deceased)
 - 8.I.Shabir
 - 9.Md.Dhatha
 - 10.Thavamani
 - 11.K.S.Askar Ali (deceased)
rep. by his son M.Wahab
 - 12.Adam
 - 13.K.P.M.Md.Basha (deceased)
rep. by his son Liyiakath Ali
 - 14.A.Adam
 - 15.Srinivasan
 - 16.D.Shaik Hussain
 - 17.V.A.Musatafa Kamal
- ...Appellants/Petitioners
- versus



JUDGMENT

(Judgment of this Court was delivered by T.RAJA,J.)

When the matter is taken up for hearing, learned counsel appearing for the appellants submitted that in the light of the judgment passed in W.A. No.1013 of 2018 granting time for the appellants to approach the fifth respondent for retention and continuance of shops in question as per G.O. Ms. No.92 Municipal Administration and Water Supply dated 03.07.2007, this present appeal may be disposed of granting four weeks' time to the appellants to approach the fifth respondent and affording them an opportunity of personal hearing.

2.Mr.T.Arunkumar, learned Government Advocate appearing for respondents 1 to 4 and Mr.O.Selvam, learned counsel appearing for the fifth respondent, seriously objecting for the grant of affording an opportunity of personal hearing to the appellants, submitted that this Court, while considering the similar and identical issue as that of the present writ appeal, viz. in the above W.A. No.1013 of 2018, taking note of the fact that some of the licencees have been continuing their business by sub letting the shops to other third parties without the approval of the fifth respondent, directed the appellants to accept the enhanced rate fixed by the fifth respondent on clearing the entire arrears, for which four weeks' time was given. Therefore, the same direction may be given to the appellants.

3.Since the Division Bench of this Court, in which one of us was a party (TRJ), while disposing of the similar and identical issue as that of the present appeal, viz. in W.A. No.1013 of 2018 by order dated 16.08.2021, has observed that if the appellants are prepared to accept the enhanced rate fixed by the fifth respondent on clearing the entire arrears, dealing with the above G.O. Ms. No.92 Municipal Administration and Water Supply dated 03.07.2007, their request would be considered and this present appeal is also to be disposed of in the same line. It is necessary to extract the relevant portion as under:

'8.Though we find merits on the submission made by Mr.M.Elumalai, learned counsel appearing for the fifth respondent and Mr.T.Arunkumar, learned Government Advocate appearing for respondents 1 to 4, considering the present pandemic situation, we are inclined to accept the plea made by the learned counsel appearing for the appellants. Therefore, if the appellants are prepared to accept the enhanced rate fixed by the fifth



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respondent on clearing the entire arrears, their request would be considered. Four weeks' time is granted to the appellants to approach the fifth respondent with the arrears of enhanced rent as on date.'

4. Therefore, if the appellants are prepared to accept the enhanced rate fixed by the fifth respondent on clearing the entire arrears, their request would be considered. Four weeks' time is granted to the appellants to approach the fifth respondent with the arrears of enhanced rent as on date. Accordingly, the writ appeal stands disposed of. Consequently, connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Municipal Administration,
Municipal Administration Department,
Ezhilagam, Chempauk,
Chennai - 600 005.
3. The Regional Director of Municipal Administration,
Sarathi Nagar, Kakithaipatturai,
Vellore-12.
4. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.



5. The Commissioner,
Vandavasi Municipality,
Vandavasi, Thiruvannamalai.

+1 CC to Mrs.D.Kamachi, Advocate, Sr.No. 46599.

+1 CC to The Government Pleader, Sr.No. 46496.

W.A.No.974 of 2018 and C.M.P. Nos.8230 & 8231 of 2018

SJ(CO)
LS(27/09/2021)