



WEB COPY

W.P.(MD)No.19769 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19769 of 2020

and

W.M.P. (MD)No.16468 of 2020

N.Kannan

... Petitioner

-Vs-

The Commissioner,
Manaparai Municipality,
Manaparai, Trichy District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned demand notice dated 09.01.2020 issued by the respondent for Shop No.2, Nalangaudi A Block Shop, Manaparai, Trichy District and quash the same and consequently, direct the respondent to revise the rent at 15% increment.

For Petitioner : Mr.B.Prasanna Vinoth

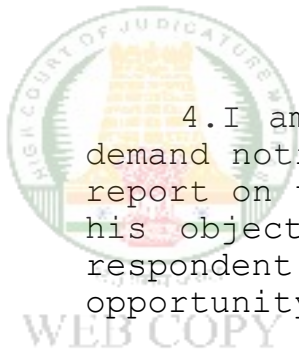
For Respondent : Mr.J.Lawrance

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent Municipality. With the consent of learned counsel on either side, the writ petition is taken up for final disposal at the admission stage.

2.The Writ petitioner is a lessee under the respondent. He is occupying the petition mentioned shop. The grievance of the petitioner is that the monthly rent was exorbitantly raised from Rs.1,235/- to Rs.4,255/-. The petitioner's counsel would point out that similarly placed shopkeepers filed writ petitions before this Court challenging the said enhancement and revision and that the writ petitions were allowed.

3.The learned Standing Counsel, while accepting the contentions made by the learned counsel appearing for the petitioner, pointed out that the matter was eventually remanded, so that, after giving opportunity to the tenants, a fresh exercise can be undertaken. In fact, such an exercise was undertaken and the Committee arrived at the very same conclusion. Now the report of the Committee has been served on the shopkeepers and that, final orders are to be passed shortly.



4.I am of the view that even while setting aside the impugned demand notice, the respondent can be directed to serve a copy of the report on the petitioner also. The petitioner is permitted to offer his objections to the report of the committee. Thereafter, the respondent will pass final orders. The petitioner waives the opportunity of personal hearing by the Committee.

5.The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

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,
Manaparai Municipality,
Manaparai, Trichy District.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-175
[F] dated 06/01/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-355[F] dated
06/01/2021)

W.P. (MD)No.19769 of 2020

05.01.2021

MA (CO)

NR (22/01/2020) 2P : 4C