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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.20986 OF 2011

AND M.P.NO.2 OF 2011

A.S.R.Sivalingam

...Petitioner

Vs.

1.The District Collector,
Dharmapuri District.
Dharmapuri.

2.Project Officer cum Member Secretary,
Dharmapuri District Socio
Economic Development Society,
Dharmapuri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records in impugned order dated 28.02.2011 bearing ref No:200/09/R-13, quashing the Demand of rent by 2nd respondent.

For Petitioner : M/s.K.N.Shanthi

For Respondents : Mr.T.Venkatesh Kumar
Special Government Pleader [R1]
Mr.Jayaprakash Narayanan [R2]

O R D E R

The writ petitioner in this writ petition is a licensee of the shop portion allotted by the second respondent. The petitioner was asked to vacate the building for the purpose of renovation. He immediately approached this Court and the Hon'ble First Division Bench of this Court, in W.A.Nos.698 to 700 & 973 to 975 of 2009, by order dated 13.07.2009, directed the petitioner to vacate and hand-over the possession for renovation work, with a right to get re-possession of the building, on completion of renovation, provided, till the license is subsisting.



2. As per the directions of the Hon'ble Division Bench, the petitioner was re-inducted on a fair rent mutually accepted by both the parties. After renovation, the petitioner made a request for reduction of rent to 20% enhancement but that was not considered to and notice of eviction was issued to the petitioner. Challenging the fixation of fair rent, the petitioner is before this Court.

3. Heard the submissions of the learned counsel for the petitioner and the learned counsel for the respondents.

4. On perusal of the materials placed before this Court, it is noted that the petitioner was re-inducted into the renovated shop on the basis of the admitted rent. Once the rent was fixed after negotiations between the parties and it is also accepted by the licensee, he cannot turn around and say that it is on the higher side. Licensee should have taken a decision either to accept the rent and enter into possession of renewed rent or contested the enhancement before entering into possession of the new shop. Therefore, the contention of the petitioner that the rent is on a higher side, after accepting the offer, is not correct and unsustainable and therefore, the Writ Petition cannot be considered.

5. In the result, the Writ Petition stands disposed of and the petitioner shall pay all the arrears of rentals as per the admitted licensee. As requested by Ms.K.N.Shanthi, learned counsel for the petitioner, six months time is granted for payment of arrears, in six equal monthly installments. In case of default, it is open to the respondent to take action against the petitioner. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

Sni

To

1.The District Collector,
Dharmapuri District.
Dharmapuri.



2. Project Officer cum Member Secretary,
Dharmapuri District Socio
Economic Development Society,
Dharmapuri.

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+1cc to M/s.K.N.Shanthi, Advocate Sr.No.20971

+1cc to the Government Pleader Sr.No.21079

W.P.No.20986 of 2011

RGN(CO)

RVM(30/06/2022)