



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.10509, 10513 & 10516 of 2019 &
WMP.Nos.11019, 11013, 11016, 11017, 11021 of 2019

Ramesh Kumar Betala ...Petitioner in WP.No.10509 of 2019

Ramesh Kumar Jain ...Petitioner in WP.No.10513 of 2019

M/s.Oriental Canvas Company,
Represented by its Proprietor,
Mr.Kantilal Betala
...Petitioner in WP.No.10516 of 2019

Vs.

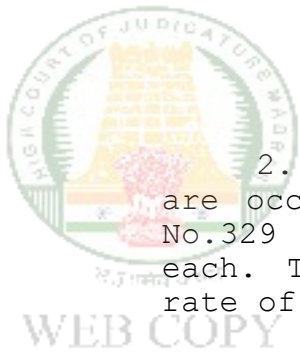
The Assistant Revenue Officer,
Zone-5,
Greater Chennai Corporation,
Basin Bridge Road,
Chennai-600021
...Respondent in all Wps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus call for the records in Proceedings M.A5.Va.Tu.Na.Ka.No./3645/2017 dated 14.02.2019 on the file of the Respondent and quash the same as illegal incompetent and without jurisdiction and further direct the respondent to re-fix the rent based on the market value of the property in consonance with the Rent Control Laws.

In all WPs
For Petitioners : Mr.V.Raghavachari
For Respondent : Ms.Karthika Ashok

C O M M O N O R D E R

Heard Mr.V.Raghavachari, learned counsel for the petitioners and Ms.Karthika Ashok, learned counsel for the respondents.



2. These matters have a checkered history. The petitioners are occupants of storage units in Corporation Shopping Complex No.329 Wall Tax Road, Chennai. All shops admeasure 850 sq.ft each. The petitioners appear to have been paying rent at the rate of Rs.10.45 per sq. ft.

3. While this is so, a notice came to be issued on 26.10.2017 in regard to re-fixation of rent and conveying to the petitioners that the rent per sq. ft. stood enhanced from 10.45 to Rs. 32 per sq.ft. Admittedly, the petitioners have not challenged the Council Resolution, under which the said enhancement has taken place, perhaps for the reason that the Resolution has not been placed in public domain.

4. As a measure of good business practice, this Court directs that Council Resolutions must be published/placed in public domain either by way of publication or by way of uploading upon the website of the Corporation, so that awareness would result and there would be clarity and transparency in such matters.

5. Be that as it may, the Council Resolution enhancing the rent has now been produced. There is no dispute on the position that the enhanced rate has been fixed at Rs.32 per sq. ft in the Corporation complex. The petitioners before me had challenged the original demand notices by way of a round of writ petitions that came to be dismissed by order dated 02.02.2018 in W.P.Nos.2210 to 2212 of 2018 and challenged thereafter in writ appeals.

6. The writ appeals came to be disposed by a Division Bench on 27.04.2018 in W.A.Nos.689 to 691 of 2018, that, in conclusion, stated that while the enhancement per se by the committee cannot be interfered, thus putting a seal upon any challenge to the Committee Resolution, liberty was granted to the petitioners to submit representations setting out their grievances to the respondents.

7. Consequent thereto, representations appear to have been filed by the petitioners that have come to be disposed by way of the impugned orders dated 14.02.2019 that are, on a cursory glance thereof, non-speaking.

8. No specific reference has been made to the grievances of the petitioners and the demands of enhanced rent have been



confirmed, though the petitioners have been heard. A copy of the representation has been placed before me and on a perusal thereof there does not appear any legitimate grievance to the enhancement made. The case of the petitioners in the writ petitions is that the rate adopted varies from one occupant to the other. However, this does not appear to be correct as there could be no such instance where the rent could vary with that fixed under the Council Resolution.

9. For the aforesaid reason, I find no merit in the prayer challenging the rejection of the representations that question the enhancement of rent. These writ petitions are liable to be dismissed and I do so. Connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Revenue Officer,
Zone-5,
Greater Chennai Corporation,
Basin Bridge Road,
Chennai-600021

+lcc to Mr.Karthikaa Ashok, Advocate, S.R.No.15819

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MT(CO)
SU(08/04/2022)