



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2022

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.13179 OF 2022

AND

W.M.P.NO.12522 OF 2022

Ramu

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Chennai 600 023.
2. The District Revenue Officer,
Zone-6/Revenue Department,
Greater Chennai Corporation,
Chennai 600 023.
3. The Assistant Revenue Officer,
Zone-6/Revenue Department,
Greater Chennai Corporation,
Chennai 600 023.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the notice in Ma.A.6.Va.Tu.Na.ka.No.R2/1038/2017, dated 26.04.2022 issued by the 3rd respondent and quash the same as illegal, consequently directing 2nd respondent to regularize the petitioner's rental arrears and rental period from the date of issuing allotment certificate which issued by the 2nd respondent by considering petitioner's representation dated 07.05.2022 preferred before the 1st to 3rd respondents an accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.B.M.Santharam

For Respondents: Mr.M.Ganesan,
Standing Counsel
for Greater Chennai Corporation

ORDER

The petitioner was allotted a shop in a Commercial complex vide proceedings dated 03.10.2018. It is not in dispute between the parties that the petitioner is in possession of the shop allotted to him in his favour from 03.10.2018 onwards. However, the impugned order reveals that the petitioner has not paid the rent properly and the arrears of rent due to the Chennai Corporation as on April 2022 is Rs.3,79,592/-. However, the petitioner has deposited a sum of Rs. 91,000/- at the time of allotment, the arrears of rent is over and above the deposit amount.

2. The learned counsel for the petitioner made a submission that the petitioner is not running the shop. Due to various reasons, he is unable to run the business in the allotted shop.

3. It is for the petitioner to take a decision regarding running of business. As far as the Corporation is concerned, it is the source of revenue for implementation of Public Welfare Schemes in the City and therefore they are duty bound to recover the rents in the manner known to law. The rent being collected is utilized for implementation of public schemes and for providing infrastructure. Therefore, recovery of rent is of paramount importance as far as the Corporation and Local Bodies are concerned. The petitioner, no doubt, is an allottee, however, in the absence of payment of rent, he is not entitled to continue in the premises. The impugned order itself reveals that the arrears of rent from October 2018 to April 2022 is yet to be paid by the writ petitioner to the tune of Rs.3,79,592/- and the respondents have stated that the petitioner has to pay the arrears of rent within a period of one week from the date of impugned order, failing which, actions will be taken. The impugned order was passed on 26.04.2022 and already a month lapsed.

4. This being the factum, the petitioner is at liberty to pay the arrears of rent immediately for the purpose of continuing in the shop as an allotment holder. In the event of non-payment of arrears of rent, the respondent are empowered to initiate all further actions to evict the petitioner in the manner known to law.



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

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

jd/mrn

To

1. The Commissioner,
Greater Chennai Corporation,
Chennai-600 023.
2. The District Revenue Officer,
Zone-6/Revenue Department,
Greater Chennai Corporation,
Chennai-600 023.
3. The Assistant Revenue Officer,
Zone-6/Revenue Department,
Greater Chennai Corporation,
Chennai-600 023.

+1cc to Mr.B.M.Santharam, Advocate, S.R.No.31654

W.P.No.13179 of 2022

AJS (CO)
PM/26/05/2022