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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14535 of 2022

and

W.M.P.Nos.13730 & 13733 of 2022

S.Savitha

...Petitioner

Vs

1.The Secretary to Government,
The Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Director of Municipal Administration,
The Municipal Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Commissioner,
The Arani Municipality,
Thiruvannamalai District,
Thiruvannamalai.

...Respondents

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 Notice bearing Na.Ka.No.1408/2016/A3 dated 03.03.2017 in respect of the petitioner Shop No.12 in Anna Statute backside shop at Arani on the file of the third respondent and quash the same and direct the third respondent to give the benefit of the Order dated 25.07.2018 passed by this Court in the W.A.Nos.1806 and 1807 of 2017 and W.A.Nos.527, 757, 760 and 761 and 1189 of 2018.

For Petitioner : Ms.D.Kamachi

For Respondents : Mr.M.Shahjahan

Special Government Pleader



ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondents.

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2. The petitioner has challenged the impugned notice dated 03.03.2017 seeking to enhance the rent from Rs.760/- to Rs.4,900/-.

3. The learned counsel for the petitioner submits that though the impugned notice was issued as early as 03.03.2017, the enhanced rent was not imposed against the petitioner. However, now the respondents are insisting that the petitioner should pay the arrears for the period mentioned in the impugned notice.

4. The learned counsel for the petitioner further submits that similarly placed persons like the petitioner had filed a series of writ petitions which came to be dismissed by this Court on 13.11.2017 and 15.11.2017 in W.P.Nos.12445 and 19906 of 2017. It is submitted that aggrieved by the aforesaid order and series of other orders, the writ appeals were filed before the Hon'ble Division Bench of this Court which came to be disposed by two separate orders in W.A.No.1806 of 2017 and W.A.No.757 of 2018 dated 25.07.2018.

5. The learned counsel for the petitioner submits that since the order gave the benefit only the appellants therein, the petitioner's rent has not been revised though the petitioner's shop also is of similar dimension. It is submitted that the petitioner cannot be discriminated and directed to pay higher rent than the persons who have got the benefit.

6. Opposing the prayer, the learned Special Government Pleader for the respondents submits that the order dated 25.07.2018 of this Court in the two mentioned batches are confined only to the appellants therein and therefore the petitioner cannot claim any concession in the rent that was fixed on 03.03.2017 vide the impugned notice. It is therefore submitted that the writ petition is liable to be dismissed.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

8. The third respondent being a corporation cannot discriminate between different class of lessees merely because



some of the lessees like the petitioner failed to file a writ petition while others filed and obtained favourable order from the Hon'ble Division Bench of this Court.

9. Considering the fact that the rent has been reduced for others, I am inclined to dispose this writ petition by quashing the impugned order and remit the case back to the respondents to redetermine the rent payable by the petitioner for the period commencing from the period covered by the impugned notice in terms of the order dated 25.07.2018 and the consequential redetermination of the rent. This exercise shall be carried out by the respondents within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall pay the revised rent that may be demanded by the third respondent.

10. This Writ Petition stands disposed of in terms of the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

arb

To

- 1.The Secretary to Government,
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Fort St.George, Chennai - 600 009.
- 2.The Director of Municipal Administration,
The Municipal Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The Commissioner,
The Arani Municipality,
Thiruvannamalai District,
Thiruvannamalai.



+1 CC to Ms.D.Kamachi, Advocate sr 34638

+1 CC to The Government Pleader sr 35533.

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GPL (CO)

SP (30/06/2022)