



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)Nos.917 to 924 of 2022

and

W.M.P.(MD)Nos.752, 753, 757, 758, 773, 774, 772 and 775 of 2022

Arumugam.P S/o. Poomi,
No.91/b, Gandhi Nagar,
Karikadu,
Pattukottai,
Thanjavur District - 614 602.

... Petitioner in WP(MD).No 917 & 918 of 2022

Mohamed Iqbal S/o. Mohamed Jackkiriya, No.20/7/1, Suryathottam,
Madukkur, Pattukottai Tk., Thanjavur District 614 903.

... Petitioner(s) in WP(MD).No 919 of 2022

Venkatesan .K S/o. (Late). V. Kaliyamoorthy, No.128, Railway
Station Road, Karaikadu, Pattukottai 614 602, Thanjavur District.

... Petitioner(s) in WP(MD).No. 920 of 2022

K.Senthil S/o.Karnan, Kandiyan St., Pattukottai,
Thanjavur District

... Petitioner(s) in WP(MD).No. 921 of 2022

R.Ramakrishnan S/o.K.R.Ramasamy, Ahragaram, Pattukottai, Thanjavur
District -614 613

... Petitioner(s) in WP(MD).No. 922 of 2022,
923 of 2022, 924 of 2022.

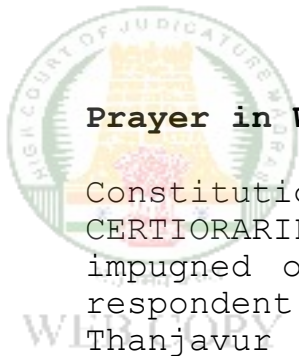
vs.

The Commissioner,
Pattukottai Municipality,
Pattukottai, Thanjavur District.

... Respondent in all WP's

PRAYER in WP(MD)No.917 of 2022:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-4 of the respondent for Shop No.106/43, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, to direct the respondent to revise the rent at 15 percent increment.

**Prayer in WP(MD).No. 918 of 2022 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-8 of the respondent for Shop No.106/176, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No. 919 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-3 of the respondent for Shop No.106/42, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No. 920 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-1 of the respondent for Shop No.106/7, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No. 921 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-2 of the respondent for Shop No.106/08, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No.922 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-6 of the respondent for Shop No.106/162, new bus stand, Pattukottai,



Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No. 923 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-7 of the respondent for Shop No.106/43, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD).No. 924 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order dated 05.01.2022 in Na.Ka.No.5658/2016/A2-5 of the respondent for Shop No.106/161, new bus stand, Pattukottai, Thanjavur District and quash the same and consequently, direct the respondent to revise the rent at 15 percent increment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner :Mr.B.Prasanna Vinoth

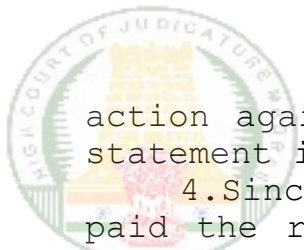
For Respondent :Mr.M.Kannan

C O M M O N O R D E R

This Court by its earlier order, dated 15.03.2022, after recording the submission of the learned Senior Counsel appearing for the petitioners, on instructions, that the petitioners are willing to pay the arrears of rent as per the revised rent made by the respondent in the impugned order, dated 05.01.2022, granted time to the petitioners to pay the said rent and posted the matter today (ie., on 16.03.2022).

2.The learned Counsel for the petitioners now states that in respect of W.P.(MD)Nos.917 and 918 of 2022, the petitioners have complied with the interim direction given by this Court on 15.03.2022. The same has also been accepted by the learned Standing Counsel for the respondent Corporation.

3.Insofar as the remaining Writ Petitions are concerned, the learned Counsel for the petitioners submits that the petitioners are not willing to pay the revised rent as per the impugned order, dated 05.01.2022 and therefore, the respondent is at liberty to take



action against those petitioners in accordance with law. The said statement is recorded.

4. Since the petitioners in W.P.(MD)Nos.917 and 918 of 2022 have paid the revised rent in accordance with the interim direction of this Court, dated 15.03.2022, the impugned order, dated 05.01.2022 passed insofar as shop Nos.106/176 and 106/43 pertaining to W.P.(MD) Nos.917 and 918 of 2022 are hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner.

5. Accordingly, W.P.(MD)Nos.917 and 918 of 2022 are disposed of by directing the petitioners in W.P.(MD)Nos.917 and 918 of 2022 to give fresh representation seeking for payment of rent as per the market rent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent Corporation shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing, within a period of six weeks thereafter.

6. Insofar as the remaining Writ Petitions, namely, W.P.(MD) Nos.919 to 924 of 2022 are concerned, since the respective petitioners have not paid the revised rent as per the impugned order, as recorded in the order of this Court, dated 15.03.2022, they are not entitled for any relief and therefore, the Writ Petitions, namely, W.P.(MD)Nos.919 to 924 of 2022, are dismissed by permitting the respondent Corporation to take action against those petitioners in respect of the shops involved in those Writ Petitions in the manner known to them under law and in accordance with the impugned order, dated 05.01.2022. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-12660[F] dated 17/03/2022)

+7 CC to M/s.M.KANNAN, Advocate (SR-12742[F],SR-12743[F], SR-12744[F],SR-12745[F],SR-12746[F],SR-12747[F],SR-12748[F], SR-12749[F] dated 17/03/2022)

+1CC to Spl.GP(SR.No.12660 of 2022)

W.P.(MD)Nos.917 to 924 of 2022

16.03.2022