



WEB COPY



W.P.Nos.4176 & 4179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.4176 & 4179 of 2023

and

W.M.P. Nos.4213 & 4216 of 2023

S.Saravananana ... Petitioner in W.P.No.4176 of 2023

M.Vinod Kumar ... Petitioner in W.P.No.4179 of 2023

Versus

1. The Commissioner,
Attur Corporation,
Salem District.

2. The Revenue Inspector,
Division-II,
Attur, Salem District.

3. The Junior Engineer,
Attur Corporation,
Salem District.

... Respondents in both the petitions

Prayer in both the petitions: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus calling for the records in connection with the demand notice dated 07.12.2022 issued by the first respondent and quash the same as illegal and improper.



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For Petitioners : Mr. S.Kingston Jerald
(For both the petitions)

For Respondents : Mr. L.P.Mayura, Standing Counsel
(For both the petitions)

COMMON ORDER

The writ petitions have been filed seeking to quash the demand notices dated 07.12.2022 issued by the first respondent.

2. The case of the petitioners is that they were allotted the shops situated in Anna Pavazha Vizha Angadi Northside of Daily market, Attur, for a monthly rent of Rs.521/-, in the year 2014. The petitioners are also paying the rent regularly. Such being the factual position, the first respondent has issued the impugned demand notice dated 07.12.2022, to the petitioners demanding a sum of Rs.1898/- - Rs.2240/- from the year 2017-2018, and the total comes to around a sum of Rs.1,57,380/- as rental arrears, and Rs.1,85,724/- is to be paid along with GST. Challenging the said demand notice, the petitioners have filed the present writ petitions before this Court.

3. The learned counsel for the petitioners submitted that the above enhancement was made without any notice, and rent was increased 365% times



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and the petitioners have been paying the rent regularly without any default. The notice issued by the first respondent is highly illegal and arbitrary.

4. Heard both sides and perused the materias available on records.

5. On a perusal of the proceedings dated 01.08.2014, it is seen that name has been changed by the petitioners and the very representation given by the petitioners indicate that the petitioners, along with others, rented a shop. Therefore, he sought for changing the name. Pursuant to the same, orders have been made changing the name of the petitioners in records. On the other hand, the records would clearly indicate that they are in occupation of the shops for more than nine years. In such view of the matter, the petitioners cannot claim rent only on the basis of the enhancement, as indicated in G.O.Ms.No.92 MAWS Department, dated 03.07.2007, wherein it is stated that after 9 years period is over, rent to be fixed on the basis of the market rate. Pursuant to the above said GO, proceedings have been issued in the year 2018 and rent has been enhanced. From the date of enhancement, the petitioners are bound to pay the enhanced rent, as he cannot claim that such rent is not liable to pay. In such view of the matter, this court is of the view that the petitioners having received the communication in the year 2018 about enhancement have not challenged



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the same. At this stage, the writ petition cannot contend that no rent has been fixed and demand notice issued by the respondents not binding on them. Such view of the matter, I do not find any merit in the writ petitions and the same are liable to be dismissed.

6. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2023

Index : Yes/No

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N. SATHISH KUMAR, J.

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