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W.A. No.1773 of 2019 etc. batch of cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A. No.1773, 1775, 1777, 1778, 1779, 1780 & 3362 of 2019
and
CMP.Nos.12020, 12021, 12026, 12029, 12031, 12034, 12041, 12043,
12059, 12061, 12065, 12067, 21598,

W.A. No.1773 of 2019

S.Vaithiyalingam

.. Appellant

Vs.

The Commissioner,
Cuddalore Municipality,
Cuddalore (Post) and District.

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the
order dated 21.12.2018 made in WP.No.29565 of 2018 passed by the
learned Single Judge of this Court.

For appellant : Mr.Ragupathy V.
For respondent : Mr.B.Anand



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COMMON JUDGMENT

(The Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

These appeals are directed against the common order passed by the learned Single Judge of this Court in WP.Nos.29565, 29327, 28980, 31834, 31827, 31835 and 30856 of 2018 dated 21.12.2018.

2. The Writ Court has partly allowed the above Writ Petitions holding that the respondent Municipality can revise the lease rent/licence fee only prospectively and not retrospectively from the year 2016 and it is for the petitioners to accept it or not. If the petitioners are not willing to accept the offer, it is always open to the Municipality to bring the properties for public auction.

3. Challenging the said order, the appellants are before this Court raising several grounds. The main ground raised by the appellants is that the respondent without any basis has increased the lease rent/licence fee that



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too enormously and the appellants were not informed as to how the rent was fixed.

4. The learned Standing Counsel appearing for the respondent Municipality has brought to the notice of this Court that the very same impugned order was already challenged before the Division Bench of this Court by one Ashok Kumar in W.A.No.1397 of 2018. In the said Appeal, the Division Bench by relying upon the decision in the case of ***P.Muthusamy vs. State of Tamil Nadu reported in 2014 5 MLJ 129*** held that the revision of rent shall be prospective from 2018 and the respondent Municipality cannot be compelled to renew the licence periodically. The present appeals are covered by the above decision of the Division Bench, and hence, on the same line, these Writ Appeals may also be disposed of.

5. The learned counsel for the appellants has not controverted with the above submission. The learned counsel for the appellants has given undertaken to the effect that the appellants will pay the enhanced rent to the respondent Municipality.



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6. In view of the aforesaid submissions, we are of the view that these appeals are also disposed of in the same line as of Writ Appeal in WA.No.1397 of 2018 dated 12.04.2019 to the effect that the Municipality is entitled for demanding enhancement of rent prospective from the year 2018.

7. At this juncture, the learned counselling appearing for the respondent Municipality submitted that the respondent has already fixed the enhancement rent based on the recommendation of the Committee as per the guidelines. However, the appellants have not paid the arrears amount as demanded by the respondent Municipality.

8. In view of the above, these appeals are disposed of on the same line as of WA.No.1397 of 2018 dated 12.04.2019 with the following directions:

i) The respondent Municipality is directed to send the revised demand notice to the appellants for payment of lease rent/licence fee along with arrears within a period of two weeks from the date of receipt of a copy of this order.



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ii) It is made clear that the respondent Municipality is entitled to make the demand for lease rent/licence fee prospectively from July 2018 in accordance with the guidelines of the Government.

iii) On receipt of the said demand notice, the appellants have to pay the entire arrears amount to the Municipality within a period of four week therefrom. If there is any default on the part of the appellants, it is always open to the respondent Municipality to take necessary action as per law. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.B.B., J.]
10.08.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To
The Commissioner,
Cuddalore Municipality,
Cuddalore (Post) and District.



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D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

pvs

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