



Writ Petition Nos.12789 to 12791 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.12789 to 12791 of 2018

1. M. Saravanan
2. P.N.Rajan

...

Petitioners in W.P.No.
12789 of 2018

* * *

1. P. Sivakumar
2. M. Meenachi Ammal
3. L. Saravanan
4. A. N. Selvam
5. E.Veeraragavan
6. V. Govindammal
7. C. Yasodai Ammal
8. P. Nedumaran
9. M.P.Ramachandiran
- 10.Natarajan
- 11.E. Krishnaveni

...

Petitioners in W.P.No.
12790 of 2018

a n d

1. N. Dhayalan
2. V.K.Kabali
3. R. Ambikavathi
4. K.S.Asrug Sheriff
5. S. Zabihullah
6. S.B.Baskaran



Writ Petition Nos.12789 to 12791 of 2018

7. K. Sampooram
8. N. Sathar Sheriff
9. A.R.Divakaran

...

Petitioners in W.P.No.
12791 of 2018

Vs

1. The Commissioner of Municipal Administration
Ezhilagam Annex, 6th Floor,
Chepauk
Chennai 600 005.
2. The Regional Director of Municipal Administration
10 Sarathy Nagar, Kagithapattarai
Vellore 632 012.
3. The Commissioner
Arcot Municipal Office
Arcot 632 503
Vellore District.

...

Respondents in all the
writ petitions.

PRAYER in W.P.No.12789 of 2018: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the third respondent related to common Notices bearing Na.Ka.No.1810/2016/A1 dated 23/3/2018 in respect of vacant land shop No.1 of the first petitioner and vacant land shop No.2 of the second petitioner situated at Bus stand compound and Anna Salai Compound, respectively, Arcot, Vellore District and quash the same.



Writ Petition Nos.12789 to 12791 of 2018

PRAYER in W.P.No.12790 of 2018: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the third respondent related to common Notices bearing Na.Ka.No.1810/2016/A1 dated 23/3/2018 in respect of vacant land shop Nos.17, 19, 23, 40, 20, 21, 22, 24, 25, 26, 38, 39, 41 and 42 of the petitioners 1 to 11 situated at Bus stand shops, Arcot, Vellore District and quash the same.

PRAYER in W.P.No.12791 of 2018: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the third respondent related to common Notices bearing Na.Ka.No.1810/2016/A1 dated 23/3/2018 in respect of vacant land shop Nos.1, 2, 3, 4, 5, 6, 7 and 9 of the petitioners 1 to 8 situated at Mango Mandy shops of Gandhi Building backside and Shop No.9 situated at vacant site shop (Mango Mandy) (Inner Side) (RCC Building) Arcot, Vellore District and quash the same.

For Petitioner	...	Mrs.S.Hemalatha
For respondents	...	Mr.N.Naveen Kumar
		Government Advocate
		for R.R.1 and 2
		Mr.B.Anand
		for R.3.

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COMMON ORDER

Writ petitions have been filed challenging the notice dated 23/3/2018, passed by the third respondent in Na.Ka.No.1810/2016/A1.

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2. The case of the petitioners is that the petitioners are the lessees of various shops located in third respondent Municipality and they challenge the impugned notices issued by the third respondent on the ground that the enhanced rental amount is more than 500% of the existing rent and it is also in violation of G.O.Ms.No.92, Municipal Administration and Water Supply (Na.Ni.4) Department, dated 3/7/2007.

3. Heard Mrs.S.Hemalatha, learned counsel for the petitioners, Mr.N.Naveenkumar, learned Government Advocate for the respondents 1 and 2 and Mr.B.Anand, learned counsel for the third respondent.

4. Learned Government Advocate appearing for the respondents 1 and 2 submitted that similar notices were issued to other tenants, in respect of same Municipality were challenged before this Court, in writ petition Nos.10247, 10163, 10291, 10499, 9434, 9454 & 9455 of 2018. Vide, order, dated 26/4/2018, dismissed the writ petitions, holding that the third



respondent Municipality has got power to revise the license fee and fix the amount. Being aggrieved, writ appeals have been filed in W.A.Nos.110 to 116 of 2018. Vide, order, dated 5/11/2019, writ appeals are also dismissed. Therefore, it is the contention that when similar notices were already upheld by the Division Bench, the same cannot be challenged.

5. In view of the above, this Court cannot take a different view. Hon'ble Division Bench held that when the officials decided the issue and fixed the quantum of license fee/lease, as per the prevailing market rate, appellants cannot challenge the same and dismissed the writ appeals. As the procedure is properly set out, now, the petitioners cannot question the same. Having agreed to pay the rent, now they cannot take a different stand.

6. In such a view of the matter, these writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

25/1/2023

mvs.

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No



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Writ Petition Nos.12789 to 12791 of 2018

N.SATHISH KUMAR,J
mvs.

To

1. The Commissioner of Municipal Administration
Ezhilagam Annex, 6th Floor,
Chepauk
Chennai 600 005.
2. The Regional Director of Municipal Administration
10 Sarathy Nagar, Kagithapattarai
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