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W.P.No.28624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.Nos.28624,28628, 28629, 28630, 28632, 28634, 28644, 28645, 28657,
28658, 28660, 28663, 28664, 28668, 28670 & 28671 of 2023
and W.M.P.Nos.28173, 28177, 28180, 28182, 28183, 28186, 28191, 28193,
28204, 28207, 28208, 28211, 28212, 28215, 28216 & 28218 of 2023

W.P.No.28624 of 2023:

N.Eswaramoorthy

....Petitioner

Vs.

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 604.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent in Ref.Na.Ka.No.4554/A1/My.A/2022, dated 04.08.2023 and quash the same and consequently direct the Respondent to renew the lease for the 3rd Block period from 01.07.2022 to 30.07.2025 with 15% increase in the rent paid during the 2nd block period as per caluse 4 (ii) of G.O.Ms.92 as well as the consent order of this Court in W.P.No.13569 of 2017 dated 18.02.2020

For Petitioner : Mr.K.Venkatapathy

For Respondent : Mr.S.Silambanan
Additional Advocate General



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Assisted by Mr.Abishek Murthy
Tiruppur Corporation Standing Counsel

COMMON ORDER

The petitioners are licensees of the shops of the respondent Municipality. The respondent issued a notice dated 04.08.2023, calling upon the petitioners to pay the entire arrears of rent/ license fee due within a period of three months. It was further stated that if the petitioners fail to pay the entire arrears of rent within the time stipulated, the premises will be locked and steps will be taken to take possession of the premises without any further notice to the petitioners. Aggrieved by the same, the petitioners are before this Court.

2.The learned counsel appearing for the petitioners submits that all the petitioners paid the entire arrears of rent/license fee to the respondent as on date. Therefore, the impugned order passed by the respondent is vitiated by non-application of mind.

3. Mr.S.Silambanan, the learned Additional Advocate General appearing for the respondent submits that as per Rule 316 of the Tamil Nadu Urban Local Bodies Rules, framed under the Tamil Nadu Urban Local Bodies Act, 1998, request for renewal of licenses is not possible. Even though the



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impugned notices have been issued to the petitioners directing them to pay the entire arrears within the time stipulated, only in cases where the petitioners fail to pay the entire arrears, action would be taken for resuming possession of the premises.

4. In the case on hand, it is the case of the petitioners that all the petitioners paid the entire arrears to the respondent. In the impugned order, nothing is mentioned about the quantum of arrears or about the fact of payment of arrears by the petitioners. In fact, there are blanks in the impugned order with regard to the payment of arrears by way of Demand Draft by the petitioners. Therefore, the impugned order appeared to have been passed mechanically, without taking into consideration whether the petitioners paid the arrears amount or not. This Court finds considerable force in the submission of counsel for the petitioner that the impugned order has been passed without taking into consideration whether arrears are paid by the petitioners or not.

5. In such circumstances, the petitioners are directed to approach the respondent and submit necessary documents to show that they already paid the



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entire arrears of rent as on date. If any such document is produced by the petitioners, the respondent shall consider the individual case of the petitioners on merits and pass orders within a period of two weeks thereafter. Till such time, the possession of the petitioners shall not be disturbed.

6. With the above direction, these writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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To

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 604.



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