



WEB COPY



WP.No.15 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.15 of 2023 & W.M.P.No.3 of 2023

R.Loganathan

... Petitioner

Vs

1. The Principal Secretary,
Municipal Administration & Water Supplies Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
3. The Assistant Revenue Officer,
Greater Chennai Corporation,
Zone – 5, No.61, Basin Bridge Road,
Chennai – 600 021.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent's impugned notice dated 26.10.2022 in Va.ThuMa.A5, Na.Ka.No./Special/2022 and quash the same and consequently direct the third respondent to consider the representation dated 07.10.2022 and fix



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the fair rent for the petitioner's shop No.24, Foul Stall Building, New Moore Market, Chennai – 600 003 within a time frame that may be stipulated by this Court.

For Petitioner : K.Jaisankar

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel for the respondents

ORDER

This writ petition has been filed to quash the third respondent's impugned notice dated 26.10.2022 in Va.ThuMa.A5, Na.Ka.No./ Special/2022 and consequently direct the third respondent to consider the representation dated 07.10.2022 and fix the fair rent for the petitioner's shop No.24, Foul Stall Building, New Moore Market, Chennai – 600 003 within a time frame that may be stipulated by this Court.

2. The case of the petitioner is that the father of the petitioner is carrying on business in the place allotted to them by erecting the doors at our cost with meagre income and after demise of his father, the petitioner is running the business in the said premises. The petitioner is now carrying



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on business in 8 shops by paying rent to the Corporation. While so, the second respondent suddenly enhanced the monthly rent to several folds and insisting the petitioner to pay the enhanced rent. During the entire covid lock down the shops were shut and even after the lock down period, the business is not good and the petitioner is not able to pay the rent fixed by the second respondent. Therefore, the petitioner made a representation to the third respondent on 07.10.2022 to fix a reasonable fair rent and the same has not been considered. Hence, the present Writ Petition has been filed for the aforesaid relief.

2. It is relevant to note that in a previous occasion, similarly placed persons filed a Writ Petition in W.P.No.772 of 2019 seeking a direction to consider his representation to refix the rent. It is also to be noted that earlier similar direction has been given by this Court in the Writ Petition in W.P.No.772 of 2019. This Court by an Order dated 02.08.2021, passed the following Order :

“Taking into consideration the facts and circumstances of the case and the specific stand taken on either side and without going into the merits of the case, there shall be a direction to the representative of the petitioner association to go over to the



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office of the 2nd respondent on 11.08.2021 at 11.30 a.m. The representative shall present the representation of the members of the association along with all the relevant materials. The 2nd respondent shall consider the same and after conducting a physical verification, shall take a final decision in consultation with the 1st respondent, within a period of eight weeks thereafter and convey the decision to the petitioner association.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected writ miscellaneous petition is closed.”

in the terms of the above direction, the Writ Petition has been disposed of. The Writ Petition in W.P.No.21348 of 2022 has been filed by a similarly placed person subsequently and the said Writ Petition has also been disposed of. It appears that pursuant to the above Orders, the impugned Order has been passed taking note of the guidelines issued in the Government Order in G.O.No.92 dated 03.07.2007 and the rent has been enhanced from Rs.274/- to Rs.2,400/- per month from the month of March, 2017. The same has been challenged in the present Writ Petition.

4. It is further relevant to note that the rent has been fixed as per the guidelines of the Government Order and hence, this Court do not find any



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infirmity in the Order enhancing the rent fixed by the third respondent.

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5. Accordingly, this Writ Petition is dismissed. Consequently, connection miscellaneous petition is closed. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
vrc

To,

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N.SATHISH KUMAR, J.

VTC

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