

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.02.2023****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.1112 of 2023****and****W.M.P.(MD)Nos.1023, 1024, 1026 and 2950 of 2023**

M/s.R.S.837 Sivangai District Consumers
Co-operative Wholesale Stores Limited,
Kanchirankal, Thiruppathur Road,
Sivangai - 630 561
represented by its Managing Director /
Deputy Registrar of Cooperative Societies.

... Petitioner

Vs.

1.The Regional Director of Municipal Administration,
Kochadai,
Madurai.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivangai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the 2nd respondent dated 29.01.2021 vide Na.Ka.No.5236/2016/A1 and Na.Ka.No1752/2021/A1 dated 04.11.2022 for payment of revised



enhanced rent and in connection with the sealing of the 4 shops situated at Kallukatti having Tax Assessment No.111/44 and Shop No.20 situated at Subramaniapuram having Tax Assessment No.111/78 and quash the same as illegal and unconstitutional and consequently forbearing the 2nd respondent, his men or agents or any one claiming through him from in any manner interfering with the peaceful running of its public utility services in the shops allotted to the petitioners by the 2nd respondent.

For Petitioner	: Mr.P.Mahendran
For R1	: Mr.M.Lingadurai Special Government Pleader
For R2	: Mr.L.P.Maurya Standing Counsel

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the first respondent, the learned standing counsel for the local body.

2.The writ petitioner is a tenant occupying the shops belonging to the local body. By the impugned communication, the rent payable by the petitioner has been enhanced. The stand of the learned counsel appearing for the local body is that they have merely applied G.O.Ms.No. 92 dated 03.07.2007 and revised the rent.



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3.It may be so. But the fact remains that the petitioner was not associated in the process of revision. It is true that the revision will have to be with reference to the current market value. But then what is market value is a question of fact. The second respondent would have obtained statement from the jurisdictional Sub Registrar. The revision has to be necessarily based on the report of the monitoring committee. The respondent will have to serve the copy of the report on the writ petitioner and after getting the writ petitioner's response, refix the rent. This need not be an elaborate enquiry. It can be in as summary a manner as possible.

4.Since this procedure was not adhered to, the order impugned in this writ petition needs to be set aside and this writ petition stands allowed. The matter is remitted to the file of the second respondent. The petitioner through their counsel will give an undertaking that they will appear before the second respondent on 22.02.2023 at 3.00 p.m. The petitioner will not be given any independent notice. The petitioner also shall not adopt any dragging on tactics. On the said date, the second respondent shall make available the basic materials that are genuine for



refixing the rent payable by the petitioner. The petitioner can take a maximum of 7 days to respond. If the petitioner fails to respond within seven days thereafter, the second respondent can proceed ahead with the process of re-fixation. If the petitioner submits his response in the meanwhile, the same will be taken into account and final order will be passed. The second respondent should not feel bound by the fact that they have already taken a decision in this regard. The second respondent will independently take a call in this matter based on the response of the writ petitioner. In the meanwhile, the shops that have been sealed by the second respondent shall be de-sealed. The learned standing counsel is requested to communicate this direction of this Court without waiting for the order copy.

5.This writ petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Note: Issue order copy on 20.02.2023



To

- 1.The Regional Director of Municipal Administration,
Kochadai, Madurai.
- 2.The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.



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