



W.P.(MD) No.1303 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1303 of 2020

and

W.M.P(MD) No.1063 of 2020

A 1382, Virudhunagar District Consumer's
Co-operative Whole Sales Stores Ltd.,
(Formerly called as Kamarajar District
Consumer's Co-operative Whole Sales Stores)
Aruppukottai Road,
Virudhunagar,
Rep. by its Managing Director,
N.Annadurai

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu
Department of Municipal Administration and Water Supply,
St.George Fort, Chennai.

2.The Commissioner of Municipal Administration,
Chennai.

3.The Commissioner
Virudhungar Municipality,
Virudhunagar.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,



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praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication of the third respondent in Na.Ka.7825/2015/A1, dated 22.05.2017, revising rent for shop No.5 in shopping complex at Kacheri Salai, Virudhunagar, with assessment No.132/2005131 and consequential demand notice dated 06.01.2020, quash both as illegal and direct the respondents to pass necessary order regarding rent.

For Petitioner : Mr.T.Ravichandran

For R1 & R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.K.P.Krishnadoss
Standing Counsel

ORDER

The very same issue has been the subject matter of a batch of writ petitions in W.P(MD) Nos.24380 of 2018 etc., wherein the petitioners had questioned the enhancement of the lease rent, for which notice has been issued to the petitioners excluding the consent letter for the lease rent.



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2. This Court, by an order dated 19.02.2020 in the above writ petitions had discussed the correctness of the rent fixed by the Municipality. The learned Judge had framed the following question for determination “Whether the rent fixed by the Municipality is correct”. The fixation of rent was based on the three methods adopted by them, relying upon the judgment of the Division Bench of this Court in W.P. (MD)No.15932 of 2018, in the case of **V.Ranganathan Vs. The State of Tamil Nadu, rep.by its Secretary to Government, Municipal Administration and Water Supply Department, Chennai & others**, wherein the Hon'ble Division Bench of this Court had upheld the validity of the Government order in G.O.(MS)No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 relating to re-fixation of the rent and ultimately disposed of the writ petitions with the following directions:-

(i) the petitioners have to pay the rent in full from 01.04.2017 till 31.12.2017;

(ii) 50% of the arrears to be paid from 01.01.2018 to till date and the said arrears has to be paid on or before 30th April 2020;



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(iii) the current monthly rent has to be paid on or before 5th of every English Calender month without fail.

3. Considering the fact that the subject matter of the instant writ petition is identical, this Writ Petition is disposed of on the very same lines with modification regarding the date:

(i) the petitioner has to pay the rent in full from 01.12.2014 till 31.03.2020;

(ii) 50% of the arrears to be paid from 01.04.2020 to till date and the said arrears has to be paid on or before 31st July 2023;

(iii) the current monthly rent has to be paid on or before 5th of every English Calender month without fail.

No costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

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

- 1.The Secretary,
Government of Tamil Nadu
Department of Municipal Administration and Water Supply,
St.George Fort, Chennai.
- 2.The Commissioner of Municipal Administration,
Chennai.



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P.T.ASHA, J.

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