



WP(MD)No.13573 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.13573 to 13582, 18886, 18868, 18870, 18873, 18874, 18880, 18881, 18917 and 18898 of 2019
and W.M.P(MD).Nos.10116 to 10135 of 2019, 15200 to 15203, 15206, 15208, 15209, 15211, 15218, 15220, 15221, 15219, 15227, 15228, 15236, 15237, 15253, 15254 of 2019

Prayer in W.P(MD).No.13573 of 2019

P.M.Abdul Mutalif

.. Petitioner

vs.

The Madurai Corporation,
Represented by its Assistant Commissioner (Revenue),
O/o.Madurai Corporation Buildings,
Madurai-625 002,
Madurai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari Mandamus, calling for the records pertaining to the impugned demand notice dated NIL on the file of the respondent pertaining to the petitioner Shop No.13 in Tax Assessment No.115/6130014, Mattuthavani Viragu Commission, K.K.Nagar, Madurai District and quash the same as illegal



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and consequently for a direction, forbearing the respondent from levying monthly rent over and above the permissible rent for the petitioner shops within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel

For Respondent : Mr.S.Vinayak
Standing Counsel for Madurai Corporation.

COMMON ORDER

These Writ Petitions have been filed challenging the impugned demand notices issued by the respondent, revising the monthly rent for the shops of the petitioners.

2. The petitioners are fire wood merchants, who have been provided shops near Mattuthavani market. The petitioners are in possession of the subject property for more than two decades. In the year 2018, the respondent Corporation vide impugned demand notices has revised the rent for the shops with effect from 2016 retrospectively. Aggrieved over the same, these Writ Petitions have been filed.



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3. On previous occasion (i.e.,) 20.11.2023, when the matters came up for hearing, the learned Senior Counsel appearing for the petitioners has raised a main plea that the respondent Corporation is not justified in revising the rent retrospectively. This Court accepted the said contention of the learned Senior Counsel appearing for the petitioners and suggested the petitioners to give a proposal for revision of the rent.

4. Today, when the matters are taken up for hearing, the learned Senior Counsel appearing for the petitioners submits that the petitioners have agreed to pay the revised rent and submitted a proposal on 30.11.2023 and the same has to be considered by the respondent Corporation.

5. The learned Standing Counsel appearing for the respondent Corporation submits that the Council meeting will be held once in a month and it is likely to be convened at the end of December 2023 and the proposal submitted by the petitioners will be considered in the council meeting.



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6. Considering the facts of the case and the subsequent developments, these Writ Petitions are disposed of, with a direction to the respondent Corporation to take a decision on the proposal submitted by the petitioners in the next Council meeting. Till such time, the respondent Corporation shall not take any coercive action against the petitioners. The petitioners are directed to pay the admitted rent till a decision is taken. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

05.12.2023

To
The Madurai Corporation,
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Madurai-625 002,
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B.PUGALENDHI, J.

ssb

WP(MD)No.13573 of 2019 etc.,

05.12.2023