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W.P.No.3893 of 2020 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.3893, 3898, 3900, 3906, 3913 & 3916 of 2020
and W.M.P.Nos. 4624, 4630, 4631, 4641, 4643 & 4648 of 2020

W.P.No.3893 of 2020:-

J.Maheswari

...Petitioner

-Vs-

1. The Secretary,
Department of Municipal
Administration and Water Supply,
Secretariat, Chennai – 600 009.

2. The Commissioner,
Ranipet Municipality,
Vellore – 632 402.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the demand notice dated 18.11.2019 issued by the second respondent enhancing the monthly rent from 794/- to Rs.4071/- from the month of July, 2017 to the month of October, 2019 and quash the same and subsequently direct the second respondent to pass final order after due consideration of the objections submitted by the petitioner, in accordance with G.O.Ms.No.92 dated 03.07.2007, issued by the first respondent.



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In all W.Ps.

For Petitioner : Mr.G.Pugazhenth

For Respondents

For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 : Mr.M.Kirubaharan

COMMON ORDER

These writ petitions have been filed challenging the demand notice issued by the second respondent thereby demanded arrears of rent due by the petitioners.

2. The petitioners are the licensees of the shops owned by the second respondent Municipality. The grievance of the petitioners is that the second respondent has enhanced the monthly rent from Rs.794/- to Rs.4071/- from the month of July, 2017 to the month of October, 2019 without any basis and also without providing them an opportunity of hearing. Hence, the petitioners filed the present writ petitions.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. In similar matter, this Court in a batch of writ petition in

W.P.Nos.1037 to 1042 of 2018 etc., by an order dated **18.01.2018**, held as follows:-

“4. The licensees of shops in Rajapalayam Municipality filed a batch of writ petitions before Madurai Bench of Madras High Court, in W.P.(MD)Nos.9333 of 2017, etc., expressing the same grievance. The Writ Court, following the decisions of Single Judges and Division Bench of this Court A.Sathar Vs. the District Collector, Coimbatore and Another [AIR 1998 MAD 217], WA (MD) No.546 of 2010, dated 19.08.2010, P.N.Chinnasamy and 13 another vs. the Assistant Director of Town Panchyat, Coimbatore District [2010 1 CTC 584], P.Muthusamy vs. State of Tamil Nadu [2014 5 MLJ 129], C.Vinoba vs. the Commissioner, Palladam Municipality [2015 3 CTC 170] and P.P.M.S.C.L.W.Association vs. Commissioner [2016 3 MLJ 698] dismissed the writ petitions holding the licensees by relying on the G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 have no right in seeking extension of lease in perpetuation and the provisions of the Tamil Nadu Buildings (Lease and and Rent Control) Act as amended, have no application in fixation of lincence fee.



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5. *The judgment was confirmed by the Division Bench in W.A.(MD)Nos.1058 to 1086 of 2017 by observing that licensees have no say in the fixation of rent and the rent fixed by the fee fixation committee forms part of an offer and it is for the licensees to accept or leave it.*

6. *In the considered opinion of this Court, the judgment referred supra would squarely apply to the case on hand. It is up to the petitioners to accept the offer given by the respondent, within a period of one month and shall pay arrears, if any, within a period of two months. In case the petitioners do not give consent for the payment of the enhanced amount within one month, the respondents are directed to take action for public auction forthwith. This Court holds that once the auction notification is published, the petitioners are deemed to have vacated the tenement and the respondents can enter the place with the help of police force, if required."*

The above judgment is squarely applicable to the case on hand and the licensees have no say in the fixation of rent and it is for the licensees to accept or leave it.



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3. In view of the above discussions, all the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

There shall be no orders as to costs.

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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts

To

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