



WEB COPY



W.P.Nos.8498 to 8505 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM:

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

W.P.Nos.8498 to 8505 of 2018
and W.M.P.Nos.10462 to 10469 of 2018

W.P.No.8498 of 2018 :-

G.Mohamed Haneer

...Petitioner

-Vs-

The Commissioner,
Kanchipuram Town Panchayat,
Kanchipuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records on the file of the respondent in proceedings Na.Ka.No.289/2016/A1 dated 08.09.2017 and consequential proceedings Na.Ka.No.289/2016/A1 dated 15.09.2017 and quash the same as illegal, incompetent and without jurisdiction.

In all W.Ps.

For Petitioner : Mr.V.Srimathi

For Respondent : Mr.P.Srinivas
Standing Counsel



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COMMON ORDER

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These writ petitions have been filed challenging the notices dated 08.09.2017 & 15.09.2017 issued by the respondent thereby directing the petitioners to pay the revised rent.

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

3. The similar issue already dealt with by this Court in W.P.No.3544 of 2019 on 30.08.2019 and held as follows:-

“14. The petitioners have not even inclined to comply the conditional imposed by this Court, to pay a portion of the revised rent inspite of granting adequate time. While so, the local body cannot survive with meager rent paid irregularly by its tenants. The only point which could be held in favour of the petitioners is that, the proposal of the revised rent has started in the year 2015 and culminated on 05.09.2017, the date on which the municipality has resolved to accept the revised rent fixed by the monitor committee. Thereafter, while notice dated 08.09.2017, the individual shop owners were informed about the revised rent and were directed to execute fresh lease agreement. At



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the most, the revised rent can be only from the date of the notice dated 08.09.2017 and not before that. Therefore, while upholding the rent revision fixed by the respondents, it is made clear that the demand of arrears can only be from 01.09.2017 and not before that.”

4. In view of the above, the orders impugned in these writ petitions cannot be sustained and the arrears of rent can be calculated only from 01.09.2017. Accordingly, the impugned notices dated 08.09.2017 & 15.09.2017 issued by the respondent are hereby quashed. Further it is made clear that the revised rent can be made only from 08.09.2017 and the arrears can only be claimed from 01.09.2017.

5. With the above directions, all the Writ Petitions stand partly allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

16.08.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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G.K.ILANTHIRAIYAN. J.

rts

To

The Commissioner,
Kanchipuram Town Panchayat,
Kanchipuram.

W.P.Nos.8498 to 8505 of 2018
and W.M.P.Nos.10462 to 10469 of 2018

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