



WEB COPY

W.P.No.12202 of 2024
& W.M.P.No.13291 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12202 of 2024
& W.M.P.No.13291 of 2024

S.Chandrasekaran

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Petitioner

versus

1.The District Collector,
O/o.District Collector,
Namakkal District.

2.The Assistant Director,
O/o.Assistant Director (Town Panchayat),
Salem District Collector Office,
Salem.

3.The Executive Officer,
Velur Town Panchayat,
Namakkal District.

...

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 in the proceedings of the third respondent vide Na.Ka.No.127/2024 dated 27.02.2024 and quash the same and further direct the third respondent to consider and reduction of the rent of the shop No.23 at New Bus Stand, Velur Town Panchayat, Namakkal District, in pursuant to petitioner representation dated 12.02.2024.



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For Petitioner : Mr.P.Muthamizh Selvakumar
For Respondent No.1 & 2 : Mr.M.Shahjahan
Special Government Pleader
For Respondent No.3 : Mr.K.H.Ravikumar
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the order dated 27.02.2024 passed by the third respondent and also to direct the third respondent to consider the petitioner's representation dated 12.02.2024 for reducing the rent of Shop No.23 at New Bus Stand, Velur Town Panchayat, Namakkal District.

2. According to the petitioner, the third respondent called for the tender notification dated 30.06.2016 and 29 shops were auctioned in the New Bus Stand, Velur Town Panchayat and the petitioner participated in the tender and Shop No.29 was allotted to him, for which he has deposit a sum of Rs.1,00,000/-. The petitioner is running a Tea Bar in the said area and selling tea, coffee and snacks items. According to him, each and every month, he is paying the rental amount of Rs.4,920/- which was fixed by the third respondent.



3. According to the petitioner, due to covid-19 pandemic, his business got affected. Hence, the petitioner and other shop owners were approached the third respondent for reducing the rent for the shops but the same was rejected by him. In the meantime, the third respondent has issued a bill amounting to Rs.54,000/- as a lease amount, recoverable arrears and taxes totalling to Rs.9,720/- overall amounting to Rs.63,720/- for the years of April 2021 to March 2022. After receipt of the bill, all the shop holders were approached the third respondent for reduction of the rent.

4. It is seen that some of the shops, namely Shop Nos.22, 9 and 8, were reduced the rent by the third respondent as Rs.2,050/- per month under the influence of the Chairman of the Town Panchayat. But the petitioner's request was rejected by the third respondent in his proceedings No.Na.Ka.298/2023 dated 10.05.2023 stating that there is no provision for reducing the rent in the Tamil Nadu Municipalities Act, 1920.

5. The petitioner approached this Court by way of filing Writ Petition in W.P.No.23096 of 2023 and this Court directed the third respondent to consider the representation of the petitioner dated 29.04.2023



in the light of the benefit granted under G.O.(D).No.337 dated 16.06.2023.

Again the same was rejected by the third respondent on 17.11.2023 stating that there is no provision for reducing the rent of the shops concern.

6. The learned counsel for the petitioner submitted that some of the shops have been reduced the rent nearby the petitioner's shop and hence, he prays for equal treatment to be made to him. He further submitted that the petitioner's case has not been considered favourably and hence, prayed for allowing this writ petition.

7. It is seen that the petitioner's representation dated 12.02.2024 has been considered by the third respondent in Na.Ka.No.127/2024 dated 27.02.2024. The petitioner taken the shop on auction for a sum of Rs.5,100/- as rent per month and each and every year it has to be increased by 5%. It is also seen that no persons interested in coming forward for participating in auction for Shop Nos.1, 6, 7, 8, 9, 10, 13, 14, 17, 18, 22, 28 and hence, the respondents called for a fresh auction and accordingly, appropriate orders were passed.



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8. According to the learned Special Government Pleader for the respondents 1 and 2, due to covid-19 period, there was no instruction from the Government for reducing the rent. He further submits that only based on the agreement entered into between the parties, appropriate orders were passed by the third respondent and there is no provision for reducing the rent and hence, prayed for dismissal of the writ petition.

9. It is seen that as per the condition Nos.38 and 40, Government Holidays and Bandh, will not be accepted by the Town Panchayat and regarding the properties, the said Panchayat cannot be held responsible, whoever the lease holders of the said shops have to pay the rent. It is further seen that there is no remedy available to him for reducing the rent and the only option available is to increase the rent in the lease period. The petitioner paid the rent as fixed by the third respondent, is at liberty to take the same in the manner known to law. The claim of the petitioner cannot be granted and as such, this writ petition is liable to be dismissed.

10. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.



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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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V.BHAVANI SUBBAROYAN, J.

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