



WEB COPY



W.P.No.12164 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

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

W.P.No.12164 of 2020

T.Annapoorani

...Petitioner

-Vs-

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner representation dated 21.02.2020 for adjustment of monthly rents in the excess amount paid by the petitioner and permitting the petitioner to pay 50% of enhanced rents in the line of the order dated 18.02.2020 passed by this Court in W.P.No.13569 of 2020.

For Petitioner : No appearance

For Respondent : Mr.S.Silabanan, Senior Counsel
For Mrs.P.Shanthi
Standing Counsel



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ORDER

This writ petition has been filed for direction directing the respondent to consider the petitioner's representation dated 21.02.2020 for adjustment of monthly rents in the excess amount paid by the petitioner and permitting the petitioner to pay 50% of enhanced rents in the line of the order dated 18.02.2020, passed by this Court in W.P.No.13569 of 2020.

2. The petitioner is a licensee under the respondent from the month of September 1995 for the shop No.19 measuring to an extent of 120 sq.ft., situated at Santhaipettai, Anuparapalayam, Tiruppur. Once in three years, the lease period has been extended by enhancing the rent. While extending the lease period, the petitioner was directed to deposit advance amount to the tune of Rs.73,696/-.

3. Subsequently, a notification was issued for re-auction of the petitioner's shop. It was challenged before this Court in W.P.No.8027 of 2004 and also sought for renewal of lease in favour of the petitioner. However, the said writ petition has been dismissed as withdrawn, since



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the respondent considered the request made by the petitioner.

Accordingly, the lease of the petitioner renewed and extended for the year 2015-2016 with enhancement of rent and the petitioner also paid the enhanced rent.

4. While being so, the Tiruppur Municipality Shop Merchants Association filed a writ petition before this Court in W.P.No.13569 of 2017 for extension of lease and re-consideration of enhanced monthly rent. In view of the reasons that shop buildings are in dilapidated condition, the respondent decided to demolish the entire shops and the members of the said Association were considered to pay 50% of enhanced rent. However, the petitioner is not a member of the said association and the petitioner is granted lease in some other shop and not pertaining to the shops in which the members of the Association had shops. Therefore, the request of the petitioner to reduce the enhancement amount into 50% cannot be considered and the rent which was already paid by the petitioner cannot be adjusted in future rent.



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5. In view of the above discussions, the writ petition is devoid of merits and liable to be dismissed. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

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

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To
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The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.



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G.K.ILANTHIRAIYAN. J.

rts

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