



W.P.No. 21941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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and

W.M.P.Nos.23921 and 23922 of 2024

1. S.J. Mohan
2. S.M. Aleem Ahamed
3. Govindharajan
4. S.Jabir Ahamed
5. A.Palaniappa
6. I.S.Sulaiman

.. Petitioners

Versus

1. The Secretary to Government
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai – 600 009.

2. The District Collector,
Krishnagiri Collectorate Office,
Krishnagiri – 635 601.

3. District Rural Development Agency,
Represented by its Additional District Collector-cum
Project Manager, Krishnagiri – 635 601

...Respondents



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Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned Notice/Order dt.19.06.2024, bearing Na.Ka.No.69/2019/R.9 on the file of the 3rd Respondent and to quash the same and direct the respondents to re-fix the enhanced rent by giving an opportunity to the petitioners and to pass orders.

For Petitioner : Mr.D. Kamatchi
For Respondent : Mr. M. Venkateswaran
Special Government Pleader

ORDER

This petition is filed to seeking to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned Notice/Order dt.19.06.2024, bearing Na.Ka.No.69/2019/R.9 on the file of the 3rd Respondent and to quash the same and direct the respondents to re-fix the enhanced rent by giving an opportunity to the petitioners and to pass orders.

2. Mr.M. Venkateswaran, Special Government Pleader takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



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3. The facts of the case is that the petitioners are small vendors and permanent residents of Krishnagiri and they were doing business in the shops allotted to them by the 3rd respondent/DRDA. The petitioners are paying the rent regularly without any default and the lease was renewed periodically. After taking the lease, the petitioners have invested considerable amount and carrying on their business therein. The correct procedure is that 15 % of the rent will be increased once in three years. When this being the case, all of a sudden, the 3rd respondent had enhanced the rent by 300 to 400 times higher then the prevailing rent and passed the impugned Notice on 19.06.2024 bearing No.69/2019/R.9. Aggrieved over the same, the petitioners have come up with this petition.

4. The learned counsel for the petitioners submitted that the 3rd respondent had enhanced the rent for the shop from Rs.4,444/- to Rs.10,072/- and in addition to that, GST has to be paid at 18%. Further, the petitioners have to pay 12 months rental advance and renewal charges which comes into several lakhs. Hence, he prays to allow this petition.



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5. The learned Special Government Pleader appearing for the respondents submitted that they have enhanced the rent as per proper rules and they have not enhanced the rent rapidly. Hence, the impugned order does not require any interference by this Court.

6. Heard both sides and perused the materials available on records.

7. On going through the impugned order passed by the third respondent they have categorically stated about the period of lease, the due amount to be paid by the petitioner, GST etc., and all other heads to be paid by the petitioners.

8. In view of the above facts, this Court directs the petitioners to pay 50% of the due amount mentioned in the impugned order dated 19.06.2024 in Na.Ka.No.69/2019/R.9 within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the petitioners can give a representation with regard to enhancement of rent to the concerned authorities, who shall consider the same and pass orders within a period of twelve weeks from the date of representation given by



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the petitioners. **However, if the petitioners fail to pay the 50% of the due amount as mentioned above, the authorities are at liberty to take action in the manner known to law.** It is made clear to the petitioners that re-fixing of the rent is subject to the out come of the orders to be passed by the Government officials i.e Respondents.

9. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

31.07.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

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Rural Development & Panchayat Raj Department,
Fort St. George, Chennai – 600 009.

2. The District Collector,
Krishnagiri Collectorate Office,
Krishnagiri – 635 601.

3. District Rural Development Agency,
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