



W.P.No.26806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM:

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

W.P.No.26806 of 2024
and W.M.P.Nos.29762 and 29315 of 2024

1. G.Dhanapal
2. R.Subramaniam
3. S.Lakshmi
4. Rangasamy Venugopal Sathiyamoorthy
5. Pushparani Murugesan
6. Namagiri Mani
7. S.P.Chandra
8. Madheswaran Ramasamy
9. Madheswaran
10. Alagarasan Arumugam
11. Suresh Marimuthu
12. Deivanayaki B
13. B.J.Janaki Raman
14. Balendra
15. Fakruddin Ali Ahamed M.J.
16. L.Raja Muthu Kumar
17. Shameen Niyamath
18. Vijayakumar Duraisamy
19. Rajesh Narayanan
20. R.Rajendran
21. Salma Banu Syed Sulaiman
22. Umar Farooq
23. Ansar Basha
24. Syed Riazudeen
25. Jaffer Hussain Jakariya

... Petitioners

-Vs-

1. The Commissioner,



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Corporation Of Salem, Salem.

2. The Assistant Commissioner,
Corporation Of Salem (Ammapettai Zone),
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the entire records relating to issuing of “demand notice” dated 25.04.2024 by the second respondent and quash the same as illegal and unsustainable.

For Petitioners : Mr.N.Nithanandam
For Respondents : Mrs.N.Devi
Standing Counsel

ORDER

This writ petition has been filed challenging the demand notice dated 25.04.2024 issued by the second respondent, thereby demanded to pay arrears of rent from November, 2016.

2. Heard both sides and perused the materials available on record.

3. The petitioners were allotted shops in the commercial complex viz., Vaniga Vazhagam consisting of basement and ground floor in Salem Old Bus Stand, Ammapettai Zone by the respondents. After allotment of their respective shops, they were carrying their businesses till the year 2019. While being so, in the year 2016, the respondents determined to enhance the rent from Rs.25/- per



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sq.ft to Rs.75/- per sq.ft and demanded to pay the rent. Aggrieved by the same, the petitioners approached this Court in W.P.No.21021 of 2016. This Court, ordered that who have not agreed for the enhanced rent, the respondents were given liberty to go ahead with the auction. Till auction, the possession of the respective shops of the petitioners were not disturbed.

4. While being so, in the month of September, 2019, the respondents passed resolution in Resolution No.168 dated 08.09.2019, thereby reduced the rent by 25%. Thereafter, this Court directed the petitioners to pay the revised rent along with arrears. If the petitioners failed to clear the rent as well as arrears, the respondents were given liberty to proceed for holding fresh public auction. While being so, on 22.11.2019, the shops of the petitioners were locked and sealed. Accordingly, the shops of the petitioners were taken possession by the respondents. Now, the petitioners were issued demand notice directing to pay the arrears of rent.

5. The learned counsel for the petitioners submitted that the petitioners' shops were locked and sealed with the valuable articles and after a period of four years, now the respondents demanded arrears of rent.



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6. Admittedly, the petitioners were in arrears of rent and now, the petitioners were issued demand notice, demanding arrears of rent.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

19.09.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To
WEB COPY

1. The Commissioner,
Corporation Of Salem, Salem.
2. The Assistant Commissioner,
Corporation Of Salem (Ammapettai Zone),
Salem.

G.K.ILANTHIRAIYAN. J.

mn



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