



WEB COPY



W.P.No.28162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

**W.P.No.28162 of 2024 and
W.M.P. Nos.30709 to 30711 of 2024**

M.Ammanullah

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Municipal Administration,
Municipal Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. The Commissioner,
The Corporation of Vellore,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the entire records relating to the impugned notice dated 08.08.2024 of the 3rd respondent to re-fix the rent of the petitioner's shop No.17, at sitting bazaar (old bus stand), Vellore - 632 004 following the order dated 01.08.2018



W.P.No.28162 of 2018

passed in W.A.Nos.1020 to 1026 of 2018 and W.A.Nos.1090 to 1093 of 2018 by the Division Bench of this Court.

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For Petitioner : Mr.Gopinath
for MCGAN LAW FIRM

For Respondents : Mr. S. Rajesh
Government Advocate
for R1 and R2

Mr.P.S. Prabu
Standing Counsel for R3

ORDER

The writ petition has been filed, challenging the Hearing Notice issued by the third respondent dated 08.08.2024, whereby directed the petitioner to pay arrears of rent to the tune of Rs.31,16,697/- failing which the license of the shop will be cancelled.

2.The petitioner has been allotted with a Shop bearing No.17, in Old Bus Stand, Vellore under allotment No.035/1417 by the third respondent in the year 1988. In the said shop, the petitioner is running a hotel in the name of 'Surya Hotel'. The monthly rent was originally fixed at Rs.3,100/- in the year 1988. Subsequently, it has been periodically enhanced every three years once and he had paid rent at Rs.10,907/- per month as on April 2019.



3. While issuing guidelines for enhancement of rent for the Municipal/ Corporation Shop, the Government had passed an order in G.O. Ms. No.147 dated 30.12.2000, mentioning that while fixing the rental amount for the municipal shops, the third respondent has to take into consideration the market rental of the area / location where the municipal shops are situated. Further, as per G.O. Ms.92 (MA & WSD) dated 03.07.2007, the period of lease was extended for 9 years and once in three years, the rent has to be enhanced by 15% of the prevailing rent. Accordingly, the period of lease was extended from time to time and the rent was also enhanced for the petitioner's shop. However, the third respondent by its notice dated 04.04.2017 enhanced the rent four times to ten times i.e., from Rs.10,907/- to Rs.41,625/- together with GST, totalling Rs.49,118/-.

4. When the similarly situated shop keepers have approached the Division Bench of this Court in W.A. Nos.1022 to 1026 of 2018 etc. batch, this Court, by order dated 01.08.2018, directed to form a committee, comprising the third respondent/ Commissioner as a Chairman along with four other members and to determine the rent as on 01.07.2016 and to complete the said exercise within a period of six months from the date of



receipt of the copy of the said order, after giving opportunity of hearing to the appellants therein.

5.It is seen that as directed by this Court, though a Committee has been formed by the third respondent, rent has not been re-fixed for the shop keepers. That apart, the present impugned demand has been issued, by enhancing the rent and insisting to pay the rent, without giving any opportunity to the petitioner. Therefore, the impugned notice cannot be sustainable and the same is liable to be quashed. Accordingly, the impugned notice is quashed. The third respondent is directed to follow the order passed by the Hon'ble Division Bench of this Court in W.A. Nos.1022 to 1026 of 2018 etc. batch by forming a Committee for re-fixation of rent of the petitioner, after giving him an opportunity of hearing, within a period of four weeks from the date of receipt of a copy of this order.

6.It is recorded that while granting an interim order, this Court imposed a condition that the petitioner shall deposit Rs.10,00,000/- towards arrears of rent and accordingly, it has been complied with. Therefore, the amount paid by the petitioner shall be adjusted towards arrears of rent.



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7. With the above observation and direction, this writ petition is

allowed. Consequently, connected W.M.Ps are closed. No costs.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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