



WEB COPY



W.P. No. 30569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30569 of 2023

and

W.M.P. Nos. 30202 and 30205 of 2023

1. C.Dinakaran

2. K.Ravi

3. R.Ramesh

4. R.Ramesh Babu

5. J.Chandra

6. M.Jaffarullah

7. S.Ezhilkumar

... Petitioners

-VS-

1. The Principal Secretary to Government,
Municipal Administration and Water Supply (MA.IV) Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Municipal Commissioner,
Tirupatthur Municipality,
Tirupathur – 635 601.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders bearing Letter No. 8337/MA.(IV)(2)/2023-1 dated 21.08.2023 on the file of the First Respondent and the consequential Notice bearing Na. Ka. No. 702/2023/A4 dated 01.09.2023 on the file of the Second Respondent and to quash the same and direct the Respondents to refix the enhanced rent by conducting an enquiry with the Petitioners.

For Petitioners : Ms. D.Kamachi

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader

ORDER

Heard Ms. D.Kamachi, Learned Counsel for the Petitioners and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners, who are the tenants of shops in New Commercial Complex and Quaid E Millath Commercial Complex belonging to the



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Municipality of the Second Respondent, have filed this Writ Petition challenging the Order No. 8337/MA.(IV)(2)/2023-1 dated 21.08.2023 issued by the First Respondent fixing enhanced rent for the shops occupied by them and the consequential Notice in Na. Ka. No. 702/2023/A4 dated 01.09.2023 issued by the Second Respondent requiring the Petitioners to renew the lease, which is assailed in this Writ Petition.

3. As Learned Counsel for the Petitioners informs that the Petitioners have now agreed to pay the enhanced amount of rent fixed in the impugned order, Learned Additional Government Pleader appearing for the Respondents, on instructions, states that further action would be taken for renewal of lease in terms of that order.

4. Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition and make payment of arrears of rent till March 2024 by 30.06.2024 and she has made an endorsement to that effect in the court record.

5. In view of the same, the Writ Petition is dismissed as withdrawn with the following clarifications:-



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(i) the Petitioners shall be permitted to pay the arrears of rent till March

2024 by 30.06.2024, apart from the monthly rent for future months on

the due dates; and

(ii) in the event of the failure of the Petitioners to pay the said amounts by

the said dates, the Respondents are not precluded from terminating the

respective lease of the Petitioners and take action for their eviction

following prescribed procedure as per Rule 319 of the Tamil Nadu Urban

Local Bodies Rules, 2023.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

27.03.2024

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.04.2024.

vjt

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply (MA.IV) Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Municipal Commissioner,
Tirupatthur Municipality,
Tirupathur – 635 601.



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P.D. AUDIKESAVALU, J.

vjt

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