



W.P.No.36247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-12-2024

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

W.P.No. 36247 of 2024

R.Sugantha

...Petitioner

Vs

The Executive Officer,
Arulmigu Ramanatheeswarar Temple,
Porur, Chennai 600 115.

... Respondent

Prayer: Writ Petition filed under Section 226 of the Constitution of India seeking for issuance of writ of Mandamus, directing the first respondent to treat in Plot No.16, Welcome Nagar first main Road, Porur, Chennai 600 116, situated in survey No.252, Porur Village, Maduravoyal Taluk, measuring to an extent of 960 sq.ft. and make changes in its records from commercial property to residential property and after changing the classification re-fix the rent by taking note of the residential classification on par with others and issue fresh notice for the period from 2001 to June 2024 by quoting the residential land value and notice for the proposed enhancement by considering the representation dated 19.08.2024.



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For Petitioner : Mr.N.Naganathan

For Respondent : Mr.S.Ravichandran,
Addl.Govt. Pleader

ORDER

The writ petitioner herein seeks a direction to the respondent to treat the property in Plot No.16, Welcome Nagar first main Road, Porur, Chennai 600 116, situated in survey No.252, Porur Village, Maduravoyal Taluk, measuring to an extent of 960 sq.ft., which is in her occupation as residential property and to re-fix the rent accordingly.

2. It is the case of the petitioner that she has been in occupation of the afore said property for more than 20 years and there was a small petty shop in the said property. In the year 2001, the petitioner converted the property as residential house and she has been living thereon, since then. The respondent treated the property as commercial property and demanded rent applicable to commercial property. Therefore, the petitioner sent a representation to the respondent on 18.08.2024 seeking fixation of fair rent, treating the said property as



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commercial property and the same has not been considered. Hence the petitioner has come before this court.

3. Mr.S.Ravichandran, learned Additional Government Pleader, who takes notice for the respondent would submit that as per the calculation of the respondent, as on today, there is an arrears of Rs.4,10,890/- and if the petitioner is willing to pay the amount, her request will be considered in accordance with law.

4. It is the case of the petitioner that, she has been living in the afore said property from the year 2001, treating the same as residential house. It is the specific case of the petitioner that the respondent has demanded rent applicable to the commercial property. Further, the fair rent calculation sheet produced by the respondent is signed by the Assistant Divisional Engineer, J.C.II Office, HR & CE, Mylapore, without any date. In such circumstances, there is nothing on record to show that the aforesaid calculation was arrived at after issuing proper notice to the petitioner.

5. Taking into consideration that the petitioner has been in occupation of the aforesaid property from the year 2021 and already the petitioner said to have paid a sum of Rs.1,00,000/-, without going



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into the merits of the claim made by the petitioner, the petitioner is directed to pay a sum of Rs.1,00,000/- to the respondent, within a period of six weeks from the date of receipt of a copy of this order and on such payment of Rs.1,00,000/-, the respondent shall forward the representation submitted by the petitioner to the jurisdictional Joint Commissioner, who shall take steps to fix fair rent, after inspecting the property and after assessing the nature of the property by proper inspection and also by giving sufficient opportunity to the petitioner. The process of fixation of fair rent shall be completed within a period of 12 weeks from the date of receipt of the representation by the Joint Commissioner.

6. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

06.12.2024

Internet: yes/no

Index : Yes/no

mst

To

The Executive Officer,

Arulmigu Ramanatheeswarar Temple,



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