



W.P(MD)No.19983 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19983 of 2020

and

W.M.P.(MD)No.16652 of 2020

M.Beer Mohammed

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 9.

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

3.Karaikudi Municipality,
Rep. by its Commissioner,
Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the third respondent dated 16.12.2021 and the impugned order passed by the third respondent in Na.Ka.No.5236/2016/A1, dated 15.05.2019 and quash the same and direct the



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third to refix the rent for the petitioner-s shop No.39 situated at Anna Daily Market, Karaikudi, Sivagangai District, based on the guideline value of Rs. 9,380/~ per sq.m fixed by the Government and after affording reasonable opportunity to the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 & R2.
Mr.D.Venkatesh,
Standing Counsel for R3.

ORDER

Heard both sides.

2.It is obvious that a similar issue was decided by a learned Judge of this Court vide order dated 26.04.2023 made in W.P.(MD)No.23246 to 23263 of 2021. Paragraph Nos.2 to 4 of the said order read as follows:-

“2. The petitioners, who are similarly placed, would submit that they have been inducted as tenants in respect of the shops owned by the third respondent Municipality. They have been paying the rents and the periodic enhanced rents without default. However, the opening of supermarkets the business of the



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petitioners had taken a beating. While so, the third respondent had suddenly enhanced the rent by over 500%. The petitioners had therefore approached the third respondent and requested them to furnish a copy of the working sheet based upon which the rents have been enhanced and requested them to reduce the same. Though the third respondent assured that he would look into the matter, however, the third respondent did not care to give the copy of the working sheet and the representations given to the second respondent, did not yield the fruitful result. Therefore, the similarly placed tenants had moved this Court earlier in WP(MD) Nos.2803 and 2820 of 2018. This Court, by an order, dated 13.02.2018, had directed the learned standing counsel appearing for the third respondent Municipality, to get instructions and advise them to resolve the issue. The third respondent and their officials had inspected the market and prepared revised proposal. Meanwhile, this Court, by order, dated 21.09.2017 in another set of writ petitions in W.P(MD) Nos.13993 to 14001 of 2017 had directed the third respondent to furnish the working sheets and directed the tenants to pay 50% of the enhanced rent and also a direction was issued to the respondents to refix the rent after considering the objections. The petitioners and other tenants had complied with the orders and once again requested the third respondent to furnish the calculation sheet. However, without furnishing the aforesaid document, the third respondent had straight away enhanced the monthly rent and had enclosed a revised calculation sheet. The petitioners would submit that the guideline value is muchless and despite several representations, the



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third respondent was not furnishing the details to the petitioners and therefore, the petitioners were constrained to file the writ petition.

3.The learned counsel appearing for the third respondent fairly concedes that the orders of this Court in the earlier writ petitions have not been followed in its letter and spirit. Therefore, the impugned notice has to be set aside. It is also brought to the notice of the Court that the working sheet has been given to all the petitioners, for which, they have submitted their objections.

4. In view of the above, these Writ Petitions are allowed and the impugned notice issued by the third respondent dated 16.12.2021 and the impugned order passed by the third respondent dated 15.05.2019 in Na.Ka.No.5236/2016/A1 are set aside. The matters are remitted back to the third respondent for fresh consideration. The third respondent shall consider the objections submitted by the petitioners and pass appropriate order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

3.Adopting the very same approach, this writ petition is allowed and the impugned order is set aside. The matter is remitted to the file of the third



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respondent for fresh consideration. The petitioner is given a week time from the date of receipt of a copy of this order to offer his objection. The third respondent shall consider the petitioner's objection and pass appropriate order on merits and in accordance with law within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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- 2.The Commissioner of Municipal Administration,
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G.R.SWAMINATHAN, J.

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