



W.P.(MD).No.762 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.762 of 2024

and

W.M.P.(MD).No.767 of 2024

A.V.Vivekandan

... Petitioner

vs.

1.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from collecting enhanced rent from the petitioner in respect of his Shop No.257 at Integrated Vegetable Shopping Complex Central Market, Mattuthavani, Madurai and consequently direct the respondents to adjust the excess rent collected already from the petitioner's shop from



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01.08.2016 to September 2017 and to give proper arrear rental statement to the petitioner's shop.

For Petitioner : Mr.S.M.A.Jinnah
For R1 & R2 : Mr.S.Vinayak
Standing counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from collecting enhanced rent from the petitioner in respect of his Shop No.257 at Integrated Vegetable Shopping Complex Central Market, Mattuthavani, Madurai and consequently direct the respondents to adjust the excess rent collected already from the petitioner's shop from 01.08.2016 to September 2017 and to give proper arrear rental statement to the petitioner's shop.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, he is running a Vegetable Shop in Shop No.257 at Integrated Vegetable Shopping Complex Central Market, Mattuthavani, Madurai. During the year 2010, the shop was allotted to him and a sum of Rs.60,000/- was received by the respondents as advance amount and the monthly rent was fixed as Rs.2,000/- and certain conditions were imposed at the time of allotment. After three years, on 01.04.2013, the respondents enhanced the rent to the tune of Rs.2,300/- and he has paid the enhanced rent without any default. In such circumstances, all of a sudden, without any notice, on 18.09.2017, the first respondent has passed the common order and strangely enhanced the rent by more than 90% and fixed the rent at Rs.4,238/-. Hence, the petitioner along with the other shop occupants objected the same and requested the first respondent to reduce the rent. But the respondents forced them to pay the enhanced rent. Therefore, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner has relied upon the order passed by this Court in W.P.(MD).Nos.16804, 16807, 16811,



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16814, 16817 and 16821 of 2020, dated 26.11.2020 and requested this Court to pass similar order in this writ petition also.

5. The learned Standing counsel appearing for the respondents would submit that the petitioner has not given any representation to the authorities to consider his claim and seeks time for considering the petitioner's representation, based on the above said order.

6. Considering the above said submissions, this Court directs the petitioner to give a representation to the respondents regarding the claim made in this writ petition, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same and pass appropriate orders, based on the orders passed in W.P.(MD).Nos.16804, 16807, 16811, 16814, 16817 and 16821 of 2020, dated 26.11.2020, within a period of six weeks thereafter.



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7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

12.01.2024

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

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To

1. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.
2. The Assistant Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.



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V.BHAVANI SUBBAROYAN,J.

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