



WEB COPY

WP No.5830 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.No.5830 of 2020

and

WMP.Nos.6833 & 6835 of 2020

Mr.T.S.Kannan,
S/o. Mr.T.S.Sundararaja Iyer,
N13-N175-0303-8, Indira Nagar 3rd Avenue,
Commercial Complex, Ward No.154,
Zone 10, Chennai - 600 020.

Petitioner(s)

Vs

1. Corporation of Chennai.
Rep. by its Commissioner,
Rippon Building, Chennai - 600 003.

2. The Zonal Officer,
Zone-13, No.115,
Dr.Muthulakshmi Road,
Adyar, Chennai - 600 020.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified



Mandamus, calling upon the records and quash the Impugned Notice bearing Ref.No.Ma.A.Va.Thu.Na.Ka.No.R3/Sirappu/2020 dated 07.02.2020 issued by the second respondent herein and directs the first and second respondents to cease and desist from making demands for such Recovery of such Arrears for such Enhanced Results and pass such further orders.

For Petitioner(s): Mr.M.Aravind Subramaniam,
Senior Counsel

For Respondent(s): Mr.S.Gopinathan,
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling upon the records and quash the impugned notice bearing Ref.No.Ma.A.Va.Thu.Na.Ka.No.R3/Sirappu/2020 dated 07.02.2020 issued by the second respondent herein and directs the first and second respondents to cease and desist from making demands for such Recovery of such Arrears for such Enhanced Results.

2. The Chennai Corporation issued a notice on 26.02.2010, retrospectively enhancing the rent for the Petitioner's shop from 01.04.2000 to 31.03.2010 based on a circular dated 22.06.2000. The Petitioner challenged this



in O.S.No.13606/2010 before the XVIII Assistant City Civil Court, Chennai,

but the suit was dismissed. The Petitioner then filed A.S.No.245/2012 before the

II Additional City Civil Court, which also ruled against them. Subsequently, the

Petitioner filed S.A.No.154 of 2016 before this Court granted an interim

injunction in CMP.No.17127 of 2016, allowing the petitioner to continue paying

the enhanced rent only from 30.10.2010 onwards. Despite this, the Chennai

Corporation issued a demand notice on 10.02.2010, seeking arrears of

Rs.2,72,745/- and later issued another notice on 07.02.2020, threatening to seal

the Petitioner's premises for non-payment.

3. Learned Senior Counsel appearing for the Petitioner submits that the retrospective rent enhancement is contrary to Sections 349, 389, and 390 of the Chennai City Municipal Corporation Act, 1919. The demand notice violates the interim injunction granted in S.A.No.154 of 2016, which explicitly barred the collection of enhanced rent before 30.10.2010. Further, the Senior Counsel submits that the impugned notice was issued without a show-cause notice or any reasoning, violating the principles of natural justice. He submits that the



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Corporation failed to provide a working sheet or any basis for the rent calculation, making the demand arbitrary and unjust. Additionally, a Division

Bench in W.P.No.3265 of 2020 had directed that rent revision should follow a transparent and uniform procedure, which the Corporation failed to adhere to.

The Senior Counsel submits that the Corporation cannot arbitrarily demand enhanced rent and threaten to seal the premises without granting an opportunity for a fair hearing.

4. Learned Senior Counsel appearing for the petitioner submits that the petitioner has paid the enhanced rent up to date without any arrears and he also enclosed the copies of the receipts, which will be furnished to the learned Standing Counsel appearing for the respondents.

5. The interim injunction granted in the second appeal is pertains to the calculation of the respective arrears of rent for the period from 2000 to 2010 in SA.No.154 of 2016. The interim order was granted by this Court on 23.11.2016, which reads as follows:



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"Though this Court had granted time for the respondents to file a counter affidavit, till this date they have not filed the same. However, the learned Counsel for the petitioner/appellant insisted for considering the grant of injunction relief by contending that the respondents are trying to collect the enhanced rent retrospectively which they are not entitled to do so under law. Needless to say that such an issue with regard to the entitlement of the respondents to collect the enhanced rent retrospectively has to be gone into and decided only in the main appeal and therefore, at this stage, it need not be considered and decided. At the same time the appellant cannot enjoy any interim relief without imposing some conditions.

2. Learned counsel for the appellant submitted that the demand was made on 30.10.2010, seeking for the enhanced rent from Rs.2,800/- to Rs.3,400/-.

3. Considering the above stated facts and circumstances, the following interim order is passed:

There will be an order of interim injunction restraining the respondent from collecting or demanding the enhanced rent from the year 2000 till 30.10.2010, pending disposal of the second appeal, subject to the following conditions:

a) The petitioner/appellant shall pay the enhanced rent to the respondents from 30.10.2010 onwards with arrears till date and also continue to pay such enhanced rent periodically during the pendency of the appeal.

b) The arrears of such payment till this date shall be paid by the petitioner/appellant within a period of six week from the date of receipt of a copy of this order.



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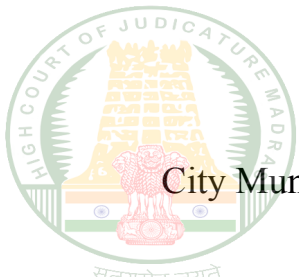


c) If the petitioner/appellant fails to comply with the above conditions imposed, the interim injunction granted herein shall stand automatically vacated without reference to this court and the respondents are at liberty to recover the said amount in the manner known to law.

6. Pursuant to the interim injunction granted by this Court, the petitioner has complied with the condition stipulated therein and has been paying the enhanced rent to the respondents Corporation till date.

7. Learned Senior Counsel appearing for the petitioner further submitted that in the impugned notice issued by the respondents, no specific details have been mentioned, particularly with respect to the period for which the rent is being demanded. Furthermore, no opportunity was given to the petitioner to provide an explanation prior to the issuance of the said notice. Hence, this constitutes a violation of the principles of natural justice, as no show cause notice was served.

8. Learned Standing Counsel vehemently opposed the plea, submitting that since the petitioner has not paid the arrears of rent, the final notice was issued by the 2nd respondent, in accordance with the provisions of the Chennai



City Municipal Corporation Act, 1959. It is submitted that the petitioner is liable to pay an amount of Rs.2,72,745/- towards arrears in respect of Shop No. N13-

N175-0303-8, which was handed over by one T. Kanan (the petitioner herein).

However, in the final notice dated 07.02.2020, it is admitted that the relevant rental period is not mentioned, and that no prior notice was issued to the petitioner seeking an explanation. Hence, the same is in violation of the principles of natural justice. On this ground alone, the impugned notice is liable to be quashed. Accordingly, the final notice dated 17.02.2024 is quashed.

9. Without going into the merits of the case, the 2nd respondent is directed to issue a fresh show cause notice to the petitioner, clearly containing the details of the enhanced rent, the period for which the enhancement is proposed, and the specific shop number and rental period concerned. The notice shall also specify the total enhanced amount, the rate at which the enhancement has been calculated, the existing rent currently being paid by the petitioner, and the proposed enhanced rent payable. Additionally, the notice must include details of payments already made by the petitioner, as it is submitted that the petitioner



has been regularly paying the enhanced rent till date.

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10. The petitioner is directed to submit his reply to the said show cause notice within a period of **15 days** from the date of receipt of such notice. The petitioner shall also enclose relevant receipts and proof of payments made towards the enhanced rent. Upon receipt of the petitioner's reply and objections, the 2nd respondent shall consider the same on merits, in accordance with law, and pass appropriate orders within a period of **four weeks** thereafter. The reply to be submitted by the petitioner shall also enclose copies of receipts and proof of payments made towards the enhanced rent.

In the result, the **writ petition stands disposed of**. No costs.

Consequently, connected miscellaneous petitions are closed.

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Cda/AP

Index: Yes/No

Speaking/Non-speaking order



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To

1.Commissioner,
Corporation of Chennai.
Rippon Building, Chennai - 600 003.

2.The Zonal Officer,
Zone-13, No.115,
Dr.Muthulakshmi Road,
Adyar, Chennai - 600 020.



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N.MALA J.

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