



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

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THE HONOURABLE MRS JUSTICE N. MALA

W.P.Nos.44752, 44753, 44754, 44755 & 44756 of 2016

and

**WMP.Nos.38569, 38570, 38571, 38572, 38573, 38574, 38575, 38576, 38577,
38578, 38579, 38580, 38581, 38582 & 38583 of 2016**

Mr.D.Murugan in W.P.No.44752 of 2016

Mr.V.Ravikumar in W.P.No.44753 of 2016

Mr.T.Murthy in W.P.No.44754 of 2016

Mrs.R.Savithri in W.P.No.44755 of 2016

Mr.T.Mani in W.P.No.44756 of 2016

Vs

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

2.The Assistant Commissioner,
Zonal Office-10,
Corporation of Chennai,
No.117, N.S.K.Salai, Kodambakkam,
Chennai- 600 024.



3. The Assistant Revenue Officer,
Zonal Office-10,
Corporation of Chennai,
No.117, N.S.K. Salai, Kodambakkam,
Chennai-600 024.

4. Zonal Officer,
Zone Office- 10,
Corporation of Chennai,
No.117, N.S.K. Salai, Kodambakkam,
Chennai-600 024.

Respondent(s) in all WPs'

PRAYER in WP No.44752 of 2016 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, to call for the records of the 4th Respondent Notice dated 26.08.2016/09.12.2016 vide No.Ma.Aa.10. Va.thu.Na.Ka.No.R2/2747/2015 and subsequent notice dated 09.12.2016 Ma.Aa.10.Va.thu.Na.Ka.No.R2/2640/2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable Court made in W.P.No.23315 of 2014 etc., dated 08.10.2014 and pass such further orders.

PRAYER in WP.No.44753 of 2016 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, to call for the records of the 4th Respondent Notice dated 26.08.2016/ 09.12.2016 vide No. Ma.Aa.10. Va.thu. Na.Ka. No. R2/2747/ 2015 and subsequent notice dated 09.12.2016 Ma.Aa. 10.Va.thu.Na.Ka. No.R2/ 2640/ 2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable Court made in W.P. No.23315/ 2014 etc., dated 08.10.2014 and pass such further orders.



PRAYER in WP No.44754 of 2016: 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, to call for the records of the 4th Respondent Notice dated 26.08.2016 / 09.12.2016 vide No. Ma.Aa.10. Va.thu. Na.Ka. No. R2/2747/ 2015 and subsequent notice dated 09.12.2016 Ma.Aa. 10.Va.thu.Na.Ka. No.R2/ 2640/ 2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable Court made in W.P. No.23315/2014 etc., dated 08.10.2014 and pass such further orders.

PRAYER in WP No.44755 of 2016 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, to call for the records of the 4th Respondent Notice dated 26.08.2016/09.12.2016 vide No. Ma.Aa.10. Va.thu. Na.Ka. No. R2/2747/2015 and subsequent notice dated 09.12.2016 Ma.Aa. 10.Va.thu.Na.Ka.No.R2/ 2640/ 2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable Court made in W.P.No.23315/ 2014 etc., dated 08.10.2014 and pass such further orders.

PRAYER in WP.No.44756 of 2016: 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, to call for the records of the 4th Respondent Notice dated 26.08.2016/09.12.2016 vide No.Ma.Aa.10.Va.thu.Na.Ka.No. R2/2747/2015 and subsequent notice dated 09.12.2016 Ma.Aa.10.Va.thu.Na.Ka.No.R2/ 2640/ 2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable High Court made in W.P.No.23315/ 2014 etc., dated 08.10.2014 and pass such further orders.



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WP.No.44752 of 2



W.P.Nos.44752, 44753, 44754, 44755 & 44756 of 2016

For Petitioner(s): M/s.T.Hemalatha

For Respondent(s): M/s.P.T.Rama Devi,
Standing Counsel

COMMON ORDER

The present writ petitions have been filed for the issuance of Certiorarified Mandamus, calling for for the records of the 4th Respondent Notice dated 26.08.2016/09.12.2016 vide No. Ma.Aa.10.Va.thu.Na.Ka.No.R2/2747/2015 and subsequent notice dated 09.12.2016 Ma.Aa.10.Va.thu.Na.Ka.No.R2/2640/2016 issued by the 4th Respondent and quash the same and consequently direct the Respondents to re-fix the rent as per the common order passed by the Honourable High Court made in W.P. No.23315/ 2014 etc., dated 08.10.2014.

2. The case of the Petitioners is that the Petitioners are long-time occupants of shops at Door No. 34, Pazhani Andavar Koil Street, Vadapalani, Chennai – 600 026, carrying on various small-scale commercial activities such



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as catering, flower vending, coffee stalls, coconut shops, and the sale of pooja items. These shops are located adjacent to the renowned Vadapalani Murugan Temple. The petitioners have been in uninterrupted possession for over two decades and have regularly paid rent and property taxes since 1992. In 2014, alleging political vendetta, the local Councillor reportedly demanded money from the shop owners and, upon their refusal, orchestrated the issuance of eviction notices through the Corporation officials. The premises were also sealed. Aggrieved, the petitioners and similarly situated shop owners filed a batch of writ petitions (W.P. Nos. 23315, 23777–23782, 23877, 24544 & 24545 of 2014), which resulted in a common order dated 08.10.2014, directing the respondents to ascertain the market rate of rent through the Executive Engineer of the Public Works Department (PWD), after inspecting the shops and taking into account the building's age, construction type, and amenities.

3. Learned Counsel appearing for the petitioners submits that the respondents have failed to comply with the directions issued in the common order dated 08.10.2014. The building in which the petitioners are carrying on



their businesses is over 40 years old and lacks modern amenities. However, the

Executive Engineer of the PWD fixed an arbitrary and excessive rent of ₹

80/sq.ft. without proper inspection or adherence to the prescribed parameters.

He submits that as per the Corporation's own classification, the subject area falls

under Commercial Area Class-III, where the fair rent should not exceed ₹

25/sq.ft. The subsequent demand notices dated 25.09.2015 and 09.12.2016 were

issued unilaterally without addressing the procedural lapses and without

affording the petitioners a hearing. He submits that the petitioners claim this

violates the High Court's directions and the statutory provisions under Sections

99 and 100 of the Chennai City Municipal Corporation Act, 1919 read with

Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act.

4. Learned Standing Counsel appearing for the respondents submits that pursuant to the judgment passed by the Division Bench of this Court in W.A.

No.1209 of 2016 dated 13.09.2016, particularly clause (vi), wherein it was held:

“14. Though this Court is not inclined to interfere with the order of the learned Single Judge, in view of the affidavit of undertaking filed by the 1st respondent/Corporation and the undertaking of the appellant herein and other lessees, the



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Writ Appeal is disposed of to the following effect:

.....

(vi) If the appellant fails to vacate and hand over the vacant possession by 31.01.2017, it will be open to the respondent/Corporation to evict him, without prejudice to the right to take proceedings before this Court for non-compliance of the undertaking”.

5. Learned Standing Counsel further submits that the petitioners were evicted as early as February 2017, and the existing building was demolished thereafter. A memo to this effect was filed before this Court on 08.04.2025, wherein it was stated as follows:

“MEMO FILED ON BEHALF OF RESPONDENTS

I hereby state that the Respondent Corporation had evicted all the tenants from the premises in Door No. 34. Palani Andavar Kovil Street, Vadapalani and demolished the entire building by obtaining all necessary orders in light of the judgment passed in W.A. No. 1214 of 2016 dated 30.09.2016. However now the entire property is under the possession of the Vadapalani temple and it has been functioning as a flower market by their vendors.”

6. Recording the aforesaid memo, **these writ petitions are closed.** No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2025

dpq/cda

Index: Yes/No

Speaking/Non-speaking order



N. MALA, J.

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To

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