



W.P.No.28868 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.28868 of 2017
and WMP No.31079 of 2017**

D.A.Sundaram

....

Petitioner

-Vs-

The Commissioner
Kanchipuram Town Panchayat
Kanchipuram.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records on the file of the respondent in proceedings Na.Ka.No.289/2016/A1, dated 8.9.2017 and consequential proceedings in Na.Ka.No.289/2016/A1, dated 15.09.2017 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mrs.V.Srimathi

For Respondent : Mr.G.B.Rajesh
Standing Counsel

ORDER



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The Writ petition has been filed in the nature of a Certiorari seeking records of proceedings dated 08.09.2017 on the file of the respondent and consequential proceedings dated 15.09.2017 and quash the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was in occupation of portions of the respondent and that by the proceedings which are now impugned, the rent had been refixed. A similar relief had been sought by yet another individual G.Mohamed Hanee, who filed WP.No.8498 of 2018. A learned Single Judge of this Court had placed reliance on yet another order in WP.No.3544 of 2019 dated 30.08.2019 and had passed the following order:

“14. The petitioners have not even inclined to comply the conditional imposed by this Court, to pay a portion of the revised rent inspite of granting adequate time. While so, the local body cannot survive with meager rent paid irregularly by its tenants. The only point which could be held in favour of the petitioners is that, the proposal of the revised rent has started in the year 2015 and culminated on 05.09.2017, the date on which the municipality has resolved to accept the revised rent fixed by the monitor committee. Thereafter, while notice dated 08.09.2017, the individual shop owners were informed about the revised rent and were directed to execute fresh lease agreement. At the most, the revised rent can be only from the date of the notice dated 08.09.2017 and not before



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that. Therefore, while upholding the rent revision fixed by the respondents, it is made clear that the demand of arrears can only be from 01.09.2017 and not before that “.

3.The same order accrues to the petitioner herein. The rent revision is upheld, but demand for arrears can only be from 01.09.2017 and not before that. The Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2025

Index : Yes/No

NCS : Yes/No

KP

To

The Commissioner
Kanchipuram Town Panchayat
Kanchipuram.

C.V.KARTHIKEYAN.,J
KP



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