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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP NO. 29660 of 2018

AND

WMP Nos. 34622 & 34621 OF 2018

1.M.S.Mani
2.V.Thillai Pandi
3.Thillai Kumar
4.Thillai Kumar
5.C.Ismail
6.A.Vajiravel
7.Subramani
8.V.P.Vellai Pandiyan
9.V.M.Ikbal
10.Mumtaj
11.Balraj
12.P.Muthusamy
13.Chidambaram
14.P.Gunasekaran
15.R.Jayalakshmi

Petitioner(s)

Vs

The Commissioner,
Kanchipuram Town Panchayat, Kanchipuram,
Kancheepuram

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records on the file of the respondent



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in proceedings No.289/2016/A1 dated 08.09.2017 and consequential proceedings no.289/2016/A1 dated 15.09.2017 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner(s):

Mr.V.Raghavachari for Ms.V.Srimathi

For Respondent(s):

M/s. P.Srinivas, SC

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records on the file of the respondent in proceedings No.289/2016/A1 dated 08.09.2017 and consequential proceedings no.289/2016/A1 dated 15.09.2017 and quash the same as illegal, incompetent and without jurisdiction.

2.The learned counsel for the petitioners would submit that the rent has been increased six times more than the present rent without giving any notice to the petitioners. Aggrieved by which, the petitioners filed the present Writ Petition.



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3. The learned Standing counsel for the respondents placed reliance on the order dated 08.09.2022 passed in WP Nos.29329 to 29337 of 2017. The relevant portion is extracted herein under:

“3. As rightly pointed out by the learned counsel for the respondent, the issue with regard to fixation of the rent and challenge the revised rent by the tenants under the Kanchipuram Town Municipality, has been dealt by this Court in W.P.No.3544 of 2019 by order dated 30.08.2019.

4. The petitioners have been in possession of the shop from 20 years and the rent has been revised after constituting a committee as per G.O.Ms.92 and the revised rent has been intimated to the petitioners as early as 08.09.2017 by the respondent.

5. Though it is stated that no opportunity of hearing was given to the petitioners, it is relevant to note that similarly placed writ petitioners have already challenged the same before this Court. This Court has clearly held that the writ petitioners have not objected for the revision of rent. Further, it has been held thus :

“13. The G.O.Ms.No.92, dated 03.07.2007, clearly indicates about the procedure to be adopted while leasing / renting out the Municipal buildings. After completion of 9 years of tenancy, the tenants like petitioners either has to accept the process of revision and continue to occupy the



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premises, after paying the revision rent or allow the Municipality to lease it out in the auction. The option of accepting the revised rent or to participate in the auction and bid for higher or lesser amount than the fixed market rate, is left open to the tenants.”

“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 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.”

6. In the above order, this Court upheld the rent revision fixed by the respondents and made it clear that the revised rent can only be made from 08.09.2017 and the arrears can only be claimed from 01.09.2019. The issue in this case is relating to the same order and the same Municipality. Hence, this Court cannot take a different view in this matter.



WEB COPY 4. In the present case also, the issue is relating to the same Municipality. Hence, the order extracted above, will hold good in respect of the present Writ Petition also. Accordingly, while upholding the rent revision fixed by the respondent, this Court makes it clear that the revised rent can only be made from 08.09.2017 and the arrears can only be claimed from 01.09.2017.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24-03-2025

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To
1. The Commissioner,
Kanchipuram Town Panchayat, Kanchipuram
Kancheepuram



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J.SATHYA NARAYANA PRASAD, J.

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