



W.P.(MD) No.9947 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.9947 of 2021
and
W.M.P(MD)No.7642 of 2021

M.Vellaisamy

.. Petitioner

Vs.

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

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent No.2 in Mava2/14673/2021 dated 16.03.2021 and quash the same as illegal and consequently direct the respondent No.1 to adjust the excessive rents paid by the petitioner from 01.08.2016 to till date with future transactions.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.K.Kannan
Standing Counsel

ORDER

This writ petition has been filed for the following relief:

“ to call for the records pertaining to the impugned order passed by the respondent No.2 in Mava2/14673/2021 dated 16.03.2021 and quash the same as illegal and consequently direct the respondent No.1 to adjust the excessive rents paid by the petitioner from 01.08.2016 to till date with future transactions.”

2. The petitioner was having shop located near Meenakshi Ammal Temple in Madurai which was later shifted to Maatuthavani, Madurai. The rent was enhanced pursuant to G.O.Ms.No.92 of Municipal Administration and Watter Supply Department dated 03.07.2007. Challenging the excessive enhancement of rent, the petitioner is before this Court.



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3. Independently, the above notification was the subject matter of the challenge before this Court in W.P(MD)Nos.2837 to 2846 of 2018. By an order dated 21.02.2018, these writ petitions are dismissed with the following observations:

“7. A Division Bench of this Court in P.Muthusamy Vs. State of Tamil Nadu reported in (2014) 5 MLJ 129 has held as follows:-

“20.The facts narrated above would clearly indicate that the petitioners have been given only a licence to run the shops. Just because the word “lease” has been mentioned, a licence cannot ipso facto be converted into a lease. Admittedly, the licence issued has a fixed terms. Therefore, the petitioners do not have a legal or a vested right to continue in occupation forever. There is no doubt that the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1961, does not apply to the case on hand. The petitioners can very well participate in the proposed auction. In other words, they cannot claim the right of a statutory tenant.

21.The object of letting out the shops is to collect more revenue for the respondent municipality, which is meant to be used for welfare measures. The Government Orders, as narrated above, are very specific about the purpose of auction followed by lease/licence. Since the transactions are commercials in nature, the petitioners, being licensees, cannot insist that the rent, which as they think, just and proper alone is liable to be paid.....”.



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8. *In such circumstances, the petitioners now cannot question the licence fees revised by the respondent Corporation. If the petitioners are willing to accept the offer made by the respondent Corporation, they can submit their consent before the respondent Corporation, and get the licence renewed, if they are not willing to accept the offer, the petitioner should necessarily vacate shops enabling the corporation to bring the shops for public auction.*

9. *In the above circumstances, if the petitioners are willing to pay the revised the licence fees, the petitioners are at liberty to approach the respondent / Corporation, within the period of four weeks from the date of receipt of a copy of this order and in the event of the petitioners are giving their consent, the respondent Corporation is directed to consider the same, and pass suitable orders for renewing the licence, otherwise, it is open to the respondent to evict the petitioners, and bring the shops for public auction.*

10. *Accordingly, with the above observation, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed."*

4. A further appeal against the said decision before the Hon'ble Division Bench of this Court in W.A(MD)Nos.725, 726 and 730 of 2018



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were also dismissed with the following observations:

“6. There are two issues before us. One is with respect to enhancement made retrospectively. Second is with respect to the power of enhancement. There is no quibble over the fact that the respondent does have power but is cannot be done with retrospective effect. Therefore, any enhancement can also be made from 01.09.2017 onwards.

7. In such view of the matter, the Writ appeals stand allowed in part by setting aside the orders of the learned Single Judge and the impugned order with respect to retrospective enhancement is concerned. Accordingly, we make it clear that the appellant is bound to pay the enhanced rent from 01.09.2017 onwards. The fact that the appellant has Complied with the interim order is also taken note of. This judgment is passed at without prejudice to the right of the respondent to place the property for auction, because what is given is only the licence of the shop. No costs. Consequently, connected miscellaneous petitions are closed.”

5. Therefore, I see no reason to interfere with the impugned order and the consequential relief sought for by the petitioner is contrary to G.O.Ms.No.92 of Municipal Administration and Watter Supply Department dated 03.07.2007.



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6. For the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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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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P.T.ASHA, J.

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