



W.P.(MD).No.9825 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.9825 of 2024

and

W.P.(MD)No.8922 of 2024

Annai Thersa Matriculation School,
Rep. by Mr.Arul Fathima,
Correspondent.

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration,
Fort St.George,
Chennai-600 009.

2. The Commissioner of Municipal Corporation,
Municipal Administration,
6th Floor, Ezhilagam,
Annex Building,
Chepauk, Chennai-5

3. The Commissioner,
Madurai Corporation,
Madurai - 625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the notice issued by the 3rd respondent herein thereby increasing the rent from Rs. 8,034 /- per month to



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Rs. 2,13,312 /- per month and consequently directing the 3rd respondent to fix the rent by increasing 15 percentage from the last rent.

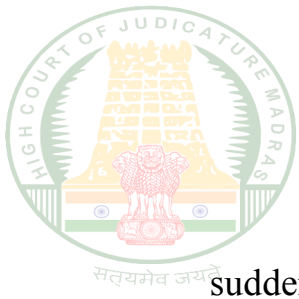
For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.J.K.Jayaselan (R1 & R2)
Government Advocate
Mr.K.Sivabalan (R3)

ORDER

This writ petition has been filed challenging the notice issued by the 3rd respondent herein, thereby increasing the rent from Rs.8,034 /- per month to Rs.2,13,312 /- per month and seeking a direction to the 3rd respondent to fix the rent by increasing 15 percentage from the last rent.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that the rent for the building, which belongs to the third respondent, where the petitioner school is being run, is increased by the third respondent from the rate of Rs.6075/- to Rs.8034/- and the petitioner is also paying the same regularly without any default. All of a



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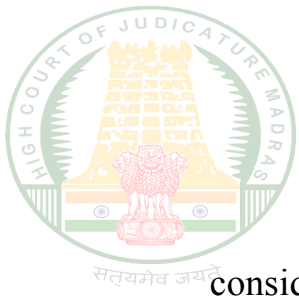
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sudden, the third respondent issued a notice increasing the rent for the aforesaid building from Rs.8034/- to Rs.2,13,312/-, which is arbitrary. The petitioner has also made several representations with regard to the same. Since the same has not been considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. The learned counsel appearing for the third respondent, by relying the counter affidavit filed by the third respondent, stated that the notice was issued as early as in the year 2016, wherein it was stated that the leaseholder has to give his objection within 7 days from the date of receipt of the notice. However, the petitioner failed to give his objection for the same. After a period of eight years, now the petitioner has filed this writ petition. He further stated that considering the current situation and the revenue, the rent of the premises was raised and there is also rental arrears due to the tune of Rs.2,03,59,294/- for the period from the year 2016 to 2024.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to



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consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. Considering the facts and circumstances of this case and also the fact that the petitioner has arrears of rent, this Court directs the petitioner to pay partial rent amount of Rs.50,00,000/- (Rupees Fifty Lakhs only) within a period of two weeks from today and till such time, no coercive steps shall be taken against the petitioner by the respondents. There shall also be a direction to the petitioner to make a fresh representation with regard to the aforesaid relief, before the respondents concerned, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same on its own merits and pass appropriate orders in accordance with law, within a period of four weeks thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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8. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2025

NCC : Yes/No
Index : Yes / No
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Note: Issue order copy on 25.04.2025.

TO:-

1. The Secretary to Government,
Municipal Administration,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Municipal Corporation,
Municipal Administration,
6th Floor, Ezhilagam,
Annex Building,
Chepauk, Chennai-5
3. The Commissioner,
Madurai Corporation,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.9825 of 2024

Dated:
24.04.2025