



W.P(MD)No.10833 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)Nos.10833, 10834, 11755 of 2024

and

W.M.P(MD)Nos.9661, 9662, 9688, 9689, 9690,
10489, 10490,17866, 17867, 17839 of 2024

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- 1.A.Sankar
- 2.G.Ravichandran
- 3.K.Siva Surya Narayanamoorthy
- 4.P.Nallathambi
- 5.D.Kanagaraj
- 6.D.Kanagaraj
- 7.V.Suresh Kumar
- 8.M.Madhavan
- 9.M.Madhavan
- 10.M.Madhavan
- 11.S.Jesuraja Franklin
- 12.G.Mariappan
- 13.S.Senthurpandian
- 14.S.Senthurpandian
- 15.S.Senthurpandian
- 16.A.Kannaiah
- 17.M.Sethuraj
- 18.M.Sethuraj
- 19.M.Amirtharaj
- 20.V.Saravanan
- 21.A.Anand
- 22.A.Anand
- 23.A.Visalakshi
- 24.P.Subramanian



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25.V.Shanmuga Sundari
26.M.Shanmugaiah
27.M.Manikandan
28.K.Thangamuthu Kumar

... Petitioners

Vs.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli 627 001.

2.The Assistant Commissioner,
Melapalayam Zone,
Tirunelveli Corporation,
Tirunelveli 627 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records relating to the Notices issued to the petitioners in Na.Ka.No.A1/6860/2023 dated 08.04.2024 of the second respondent and quash the same as illegal and consequently, direct the respondents to allow the petitioners to continue the lease of their respective Shops Bharat Ratna Dr.MGR Bus Stand, Melapalayam Zone, Tirunelveli at the lease rate of Rs.140/- per sq.ft. as fixed by the Honble Supreme Court of India in the orders dated 13.12.2023 and 14.12.2023 in SLP Nos.27248 - 27249 of 2023 (Batch) and SLPs No.27739 - 27756 of 2023 (Batch), within a time limit to be fixed by this Court.

For Petitioners : Mr.Sricharan Rangarajan
for Mr.T.Sakthi Kumaran

For Respondents : Mr.A.Sivanupandian
Standing Counsel



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- 1.M.Vazhasubramanian
- 2.R.Mangayarkarasi
- 3.R.Mangayarkarasi
- 4.L.Pankiraj

... Petitioners

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Tirunelveli 627 001.
- 2.The Assistant Commissioner,
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Tirunelveli 627 001.

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for Mr.T.Sakthi Kumaran

For Respondents : Mr.A.Sivanupandian
Standing Counsel

W.P(MD)No.11755 of 2024

- 1.K.Thangamuthu Kumar
- 2.S.Ramar
- 3.D.Swamydos David
- 4.P.Thangam
- 5.P.Thangam
- 6.P.V.Muruga Perumal
- 7.J.Mary

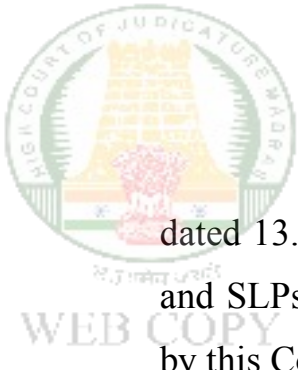
... Petitioners

Vs.

- 1.The Commissioner,
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Tirunelveli 627 001.
- 2.The Assistant Commissioner,
Melapalayam Zone,
Tirunelveli Corporation,
Tirunelveli 627 001.

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, call for the records relating to the Notices issued to the petitioners in Na.Ka.No.A1/6860/2023 dated 08.04.2024 of the second respondent and quash the same as illegal and consequently, direct the respondents to allow the petitioners to continue the lease of their respective Shops Bharat Ratna Dr.MGR Bus Stand, Melapalayam Zone, Tirunelveli at the lease rate of Rs. 140/- per sq.ft. as fixed by the Honble Supreme Court of India in the orders



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dated 13.12.2023 and 14.12.2023 in SLP Nos.27248 - 27249 of 2023 (Batch) and SLPs No.27739 - 27756 of 2023 (Batch), within a time limit to be fixed by this Court.

For Petitioners : Mr.Sricharan Rangarajan
for Mr.T.Sakthi Kumaran

For Respondents : Mr.A.Sivanupandian
Standing Counsel

COMMON ORDER

By this common order, all these writ petitions are being disposed of.

2. In these writ petitions, the respective petitioners have challenged the respective demand notices.

3. There are about 130 shops in the MGR New Bus stand, Tirunelveli. They have taken the property on lease from the year 2023 onwards. There was a proposal to enhance the rent of Rs.225/- per square feet, which was subject matter of challenge before this Court in W.P(MD)No.10466 of 2022. The said writ petition was filed by one C.Ganapathy. This Court by its order dated 14.07.2022 disposed of this writ petition with the following observations:

8. The only question that arises for consideration is whether the first respondent was justified in issuing the impugned notice.



My answer is an unambiguous ' no ' . It is beyond dispute that the block period of 18 years commenced with effect from 03.07.2007. The petitioner is presently in the second block period which will expire on 02.07.2025. Till then the petitioner's right as a licensee and the right to continue as lessee cannot be interfered with subject to the fulfillment of the contractual obligations by the petitioner. Of course the petitioner has to pay the enhanced rent which will have to be worked out as per G.O.Ms.No.92 Municipal Administration and Water Supply Department dated 03.07.2007. It is not the case of the respondents that the petitioner has declined to pay such an enhanced rent. The respondents will not be justified in applying the yardstick applicable to the newly constructed shops.

9. The petitioner became licensee way back in the year 2008. We are now in July 2022. The shop occupied by the petitioner is 14 years old. To call upon the petitioner to pay for a 14 years old shop the same rent on par with the new shops is bereft of logic and unreasonable. The first respondent has not acted in terms of the license terms and conditions. The conduct of the first respondent is a grave infringement of the mandate set out under Article 14 of the Constitution of India. The impugned action is arbitrary. The order impugned in this writ petition is quashed. This writ petition stands allowed accordingly. It is needless to say that since the writ petition is itself finally disposed of, the life of the interim order earlier granted automatically comes to an end. No costs. Consequently, connected miscellaneous petitions are closed.

4. The decision was however reversed by the Division Bench of this Court by a common order in W.A.(MD)No.63 of 2023etc., batch vide order dated 30.11.2023. The Division Bench of this Court while allowing the writ appeal filed by the Commissioner and Assistant Commissioner of Tirunelveli Corporation held as under:

11. It appears that as per the Smart City Scheme, an amount of



Rs. 39,00,00,000/- was allocated for constructing two additional bus stop platforms, 60 new shops, multi level car parking, theme park were planned and they were constructed. In the bus stand, there are 130 shops in the old building. The market rent was fixed at Rs.225/- per sq.ft. and out of 130 shops, 97 existing leaseholders accepted the enhanced monthly rent and occupied the shops and the remaining 33 lessees filed these writ petitions to quash the public notice stating that the revised rent would apply for the new shops as well as the old shops, which is not correct and for want of show cause notice, the public notice viz., the eviction order to be quashed.

12. Admittedly, the respondents were lessees in occupation of premises for several years by paying monthly rents to the first appellant herein. The Municipal Corporation is under obligation to implement various schemes and to provide facilities, for which it needs huge amount and the same can be augmented only, by collecting licence fee, rent, tax etc. For effective public administration, the Authority should strive for same and shall make all possible endeavour to augment revenue in order to do better facilities for the welfare of the public. More so, it is the constitutional mandate. To achieve economic status to greater heights, constant endeavour in this regard is expected. In order to undo the inequities, implementing of more welfare activities are expected. The respondents hitherto enjoyed the concession extended to them. The learned Additional Advocate General would submit that similar writ appeals were ordered bearing in mind about the public importance and it was also confirmed by the Hon'ble Supreme Court.

13. Based on the aforesaid discussions, these Writ Appeals are allowed and the order impugned dated 14.07.2022 in W.P.(MD) Nos. 10427, 10467, 10413, 10465, 10425, 10394, 10450, 10408, 10461, 10396, 10479, 10462, 10388, 10389, 10429, 10474, 10390, 10424, 10466, 10456 and 10391 of 2022 are set aside. However, the respondents are at liberty to submit an application for renewal of the lease, accepting the rate of Rs. 225/- per square feet on or before 15th December, 2023, failing which the appellants are directed to proceed to evict the respondents and conduct public auction by following the procedures as contemplated. In respect of the unoccupied shops, the appellants shall conduct open public auction. No costs. Consequently, connected Miscellaneous Petitions are closed.



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5. Several appeals have been filed by some persons like the petitioners. However, these petitioners have neither filed writ petitions earlier nor an party to the proceedings before the Hon'ble Supreme Court in S.L.P.(c)No. 27248-27249 of 2023, which is said to be still pending.

6. There an undertaking was given by the occupants/lessee, who are facing similar notices that they were willing to pay Rs.140/- per square feet. Relevant portion of the interim order of the Hon'ble Supreme Court dated 13.12.2023 in S.L.P.(c)No.27248-27249 of 2023 reads as under:

The petitioners are leaseholders of shops from the Tirunelveli Municipal Corporation and are aggrieved by the demand for enhanced by the Corporation. lease rental @ Rs 225/- per sq.ft. demanded 13 High Court refused to grant relief to the lessees under the impugned judgment with the observation that for the 130 shops, 97 existing leaseholders have accepted the enhanced monthly rate and only the remaining 33 lessees have filed the Writ Petition.

Assailing counsel. Ma Haripriya Padmanabhan and Mr. Abir Phukan, learned the above, Mr. Jayanth Muthural, learned senior counsel submit that out of those 97 leaseholders who have reportedly accepted the enhanced monthly rate, most of them have filed suit with the projection that they were coerced to accept the enhanced market rate.

It is further submitted that the Municipal Corporation could not secure any person willing to pay the demanded lease rate of Rs 225/- per sq.ft. and therefore, the Corporation on their own



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have reduced the lease rental to a much lower rate for the first floor shops. The petitioners are willing to match the reduced rate of Rs. 140/- per sq.ft.

Issue notice, returnable in four weeks.

The petitioners have agreed and subject to their furnishing individual undertaking to pay @ Rs. 140 per sq.ft. within three weeks' time, the leaseholders shall not be dispossessed from the respective shops.

7. A similar order was passed subsequently passed in S.L.P(C)No. 27739-27756/2023, wherein similar undertaking was recorded.

8. The case of the petitioners are similar to the case that are pending before the Hon'ble Supreme Court in the above mentioned Special Leave Petitions.

9. Since the petitioners have not paid any amount for the period in dispute, these writ petitions are disposed by directing the petitioners to pay the amount of Rs.140/- per square feet for the entire period within a period of 30 days from the date of receipt of a copy of this order. The balance if any is to be paid subject to the final outcome of the decisions of the Hon'ble Supreme Court in S.L.P.(c)No.27248-27249 of 2023 and S.L.P(C)No. 27739-27756/2023.



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10. In case the petitioners fail to pay the aforesaid amount, the petitioners can be forcibly evicted by the respondents. The shops which already have been put under lock and seal are directed to be opened. However, liberty is granted to the respondents to re-lock the shop, in case the respective or any of the petitioners fail to pay the aforesaid amount within the time stipulated above.

11. This will be without prejudice to the steps to be taken for reducing the rent in terms of the recommendation issued to the Director of Municipal Administration. No costs. Consequently, the connected miscellaneous petitions are closed.

12.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note:Registry is directed to upload the order copy after the petitioner paying separate Court fees.



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To

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Tirunelveli 627 001.

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C.SARAVANAN, J.

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