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W.P.No.15156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :12.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.15156 of 2025
and W.M.P.Nos.17081, 17083 and 17084 of 2025

P.Rajeshwari

...Petitioner

Vs

1. The Administrative Director,
Tamil Nadu Civil Supplies Corporation,
Head Office, Poonamallee High Road,
Koyambedu,
Chennai 600 107.

2. Tamil Nadu Civil Supplies Corporation
(Tamilnadu Government Undertaking)
Rep by its DRO/Regional Manager
(North Chennai),
No.9, Conron Smith Road, Gopalapuram,
Chennai 600 086

3. Tamilnadu Civil Supplies Corporation,
(Tamil Nadu Government Undertaking)
Rep by its Regional Manager (Thiruvallur),
No.46, Vallalar Street, Periakuppam,
Thiruvallur 602 102

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order made in Se.Mu.Order No.COM5/20230/2024 dated 15.07.2024 passed by the 1st respondent and consequential order made in Na.Ka.No.K4/003626/2024 dated 10.12.2024 passed by the 2nd respondent quash the same and consequently direct the respondents to pay the rent monthly.

For Petitioner : Mr.K.Balu
For Respondents : Mr.C.Selvaraj
Standing Counsel

ORDER

This Writ Petition has been filed for the following reliefs:

“To issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order made in Se.Mu.Order No.COM5/20230/2024 dated 15.07.2024 passed by the 1st respondent and consequential order made in Na.Ka.No.K4/003626/2024 dated 10.12.2024 passed by the 2nd respondent and quash the same and consequently to direct the respondents to pay the rent monthly.”



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2.It is the case of the petitioner that she is the absolute owner of the subject property situated at Attanthangal Village, Ponneri Taluk, Thiruvallur District, comprising land and godowns constructed thereon. She had leased out substantial portions of the said property, including godowns and vacant land, to the 2nd respondent under various rental agreements from the year 2010 onwards, with stipulated rent, lease period of 11 months, and periodical enhancement of 15% once in three years. Subsequently, the 2nd respondent had occupied a major portion of the petitioner's property and enjoyed the same, including vacant land, without paying proportionate rent.

3. When the 2nd respondent defaulted in payment of the enhanced rent, disputes arose and the 2nd respondent subsequently raised a claim alleging that excess rent of Rs.2,83,32,395/- had been paid for earlier periods. The petitioner denied the said claim and approached this Court by filing W.P.No.30906 of 2018 challenging the unilateral demand and withholding of rent by the respondents. During the pendency of proceedings, certain amounts were adjusted by the respondents towards



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the alleged excess payment, without interest, which was accepted by the petitioner under compulsion and financial hardship, as the property was mortgaged and loan repayments were pending.

4. Subsequently, the 1st respondent passed the impugned proceedings dated 15.07.2024 holding that excess payment was made by the 2nd respondent and directing recovery of the same with 8.15% interest, without issuing proper notice or affording an opportunity of hearing to the petitioner. Based on the said order, the 2nd respondent issued the impugned communication dated 10.12.2024 stating that interest would be deducted from the rent payable. The petitioner has given a representation to the 1st respondent on 21.08.2024 seeking waiver of interest. However, the same was not considered and was kept pending without any reasons. Hence the present writ petition is filed for the reliefs stated supra.

5. A counter affidavit has been filed by the 2nd respondent, inter alia, admitting the fact that the excess monthly rent of Rs.2,83,32,395/- had been recovered from the monthly rentals.



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However, the demand has been made on the basis of audit objections from the office of the Principal Accountant General, Chennai, wherein it has been stated that in view of the delayed recovery, interest is payable and that a sum of Rs.1,97,16,888.90 has to be recovered from the petitioner. It is on this audit objection that the impugned demand has been made.

6. Heard the learned counsels on either side and perused the materials available on record.

7. It is not in dispute that the excess payment has been made and not on account of any omission or fraud on the part of the petitioner. The excess payment has been made only on account of a mistake by the respondents, for which the petitioner cannot be held at fault. Further, the excess payment has been recovered in full by setting off the same against the monthly rental that was payable to the petitioner. Therefore, the respondents cannot now mulct the petitioner with the additional burden of interest, that too for an excess made on account of the mistake of the respondents. The officials who had caused the excess payment



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are liable for any loss that the respondents have suffered. The recovery from the rents has been made pursuant to the periodic orders of the 2nd respondent made when the lease was being renewed, wherein it has been stated that the rents would be adjusted towards the excess rents already paid. At that point, the respondents have not made any claim towards interest. Such being the case, the present demand for interest, which was never demanded earlier, cannot be countenanced.

8. Accordingly, this Writ Petition is allowed as prayed for and the impugned orders dated 15.07.2024 and 10.12.2024 are quashed. No costs. Consequently, connected miscellaneous petitions are closed.

12.01.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
srn

To

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