IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.10599 & 10602 of 2023
and
W.M.P.Nos.10550, 10553, 10555 & 10556 of 2023

R.Radha ...Petitioner in W.P.No.10599/2023
D.Mangayarkarasi ...Petitioner in W.P.No.10602/2023

Vs.

1.The State,
Represented by the Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Coonoor Municipality,
Coonoor.

3.The Revenue Officer,
Coonoor Municipality,
Coonoor. ..Respondents in both W.Ps.

Common Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records with respect to the impugned notice dated 25.10.2021 in Na.Ka.N:A4/670/2016 issued by the respondents 2 & 3 and quash the same.

For Petitioners : Mr.M.A.Vimal Mohan
(in both W.Ps)

For R1 : Mr.C.Selvaraj
Additional Government Pleader
(in both W.Ps)

For R2 : Mr.R.Kumaravel
Additional Government Pleader
(in both W.Ps)

COMMON ORDER

The notices issued to the petitioners dated 25.10.2021 issued by the Commissioner, Coonoor Municipality are under challenge in the present writ petitions.

2. The impugned notices were issued based on the Government Order issued in G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007 and based on the resolution passed by the Municipal Council on 15.02.2021.

3. In respect of W.P.No.10599 of 2023, the petitioner states that she is a licensee of a shop bearing No.505 belonging to Coonoor Municipality and the monthly rent for the said shop during the year 2016 after periodical

enhancement was Rs.1156/-, excluding GST. The petitioner states that she is paying the monthly rent regularly to the respondent till August 2021. Third September 2021 onwards, the respondents have not received the rent and issued a notice on 25.10.2021, enhancing the rent from Rs.1156/- to Rs.7400/- with effect from 01.07.2016 to 30.06.2019. Thereafter from 01.07.2019 to 30.06.2022, the rent was increased to Rs.8510/-.

3.1. In respect of W.P.No.10602 of 2023, the petitioner states that she is a licensee of a shop bearing No.2-GF-M belonging to Coonoor Municipality and the monthly rent for the said shop during the year 2016 after periodical enhancement was Rs.1704/-, excluding GST. The petitioner states that she is paying the monthly rent regularly to the respondent till August 2021. Third September 2021 onwards, the respondents have not received the rent and issued a notice on 25.10.2021, enhancing the rent from Rs.1704/- to Rs.8450/- with effect from 01.07.2016 to 30.06.2019. Thereafter from 01.07.2019 to 30.06.2022, the rent was increased to Rs.9718/-.

4. The similarly placed shop owners in the said market filed writ petitions and the said writ petitions were dismissed by the High Court. Against the dismissal, Writ Appeals were filed and an interim stay was granted by this Court on condition to pay 50% of the enhanced rent during the pendency of the writ appeals.

5. Relying on the interim order passed by this Court, the learned counsel for the petitioners made a submission that the interim stay is to be granted in the present cases also and the petitioners are ready to pay 50% of the enhanced rent.

6. Admittedly, earlier writ petitions filed by the similarly placed shop owners were dismissed on merits. The discretionary interim orders cannot be construed as a binding precedent. In the event of keeping the writ petitions pending for long years, the same will affect the Revenue of the Municipality. In such circumstances, the Municipal Administration would not be in a position to implement the welfare schemes in the interest of public in that locality. The Revenue of the State is of paramount importance and Courts are to be cautious, while granting such interim orders in State

Revenue matters. The Hon'ble Supreme Court of India time and again emphasized that interim orders, affecting the Revenue of the State is to be granted only on exceptional circumstances, where there is an unconstitutionality or direct violations of the Statues in force. Routine grant of interim orders and keeping the matters pending for years together would cause irreparable financial loss to the State Exchequer and in the present cases to the Revenue of the Municipal Administration.

7. **Article 226 (3) of the Constitution of India** states as follows: "*where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—*

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on

which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated."

8. Thus, the Constitution of India mandates that in the event of granting an interim order by the High Court and an application is filed to vacate the interim order, then the application must be disposed of within a period of two (2) weeks and in the event of failure, on expiry of the period of interim order or as the case may be the expiry of the said next day, stand vacated.

9. The Constitution makers of our great Nation thought fit to impose the condition with an objective to prevent injustice, prejudice or irreparable loss to the opposite parties to the writ proceedings against whom interim orders are passed by the Court even before hearing them. The concept of justice requires balance, equity and a pragmatic approach, so as to ensure no

prejudice is caused to any one of the parties on account of the interim orders passed without hearing those parties. In the event of allowing the interim order to continue for an indefinite period and permitting either of the party to the writ proceedings to enjoy the fruits of the interim orders, depriving the opportunity or right of other party would result in not only injustice, but also lead to abuse of judicial process by such parties. Thus, the Courts as well as the Registry of the High Court must ensure that the vacate stay applications filed are listed periodically so as to ensure speedy disposal of the same within a period of two weeks as contemplated under Sub-Clause (3) to Article 226 of the Constitution of India.

10. Ironically, several hundreds of interim orders are in force, despite the fact that the vacate stay petitions are filed within the time limit. Any tactical approach of the litigants, who all are the beneficiaries of the interim orders are to be thwarted. The parties shall not be allowed to take undue advantage of the interim orders, depriving the rights of other parties. Only in such cases, where the Courts are of the opinion that the continuance of the interim orders are imminent and warranted, then alone, the interim orders are to be extended, and not otherwise. Painfully, many such vacate

stay petitions are not even listed for several months and years by the Registry, High Court. The injustice, huge financial loss to the State Exchequer and its organizations, irreparable loss to the parties are not taken into consideration by not listing those vacate stay petitions for disposal.

11. This Court has recently witnessed many such writ petitions, where large scale State financial implications have involved. Those writ petitions are not even listed for years together, despite the fact that the interim orders are affecting the financial interest of the State and its organizations. One cannot brush aside the allegations against the Registry that such matters are not listed with the collusion of the Registry staff and the corrupt practices also cannot be overruled. A periodical inspection and a thorough enquiry in this regard are certainly warranted in order to ensure that the case papers are maintained properly by the Registry and listed periodically, so as to ensure that neither of the parties suffer on account of the interim orders for longer period. These case papers are sometimes mixed up with the other cases papers intentionally, so as to ensure that the cases are not listed.

12. In this regard, the Registrar (Judicial), High Court of Madras is duty bound to keep vigil on the Registry staffs dealing with the case papers and if at all any such allegations are found out, then all appropriate actions are to be initiated without any delay.

13. On earlier occasion, this Court passed an order in W.P.No.11798 of 2016 dated 26.09.2018 to list the vacate stay petitions, which all are pending for long years. The High Court also issued a Circular in R.O.C.No.66574-A/2018/F1 dated 01.10.2018, instructing the Registry to list those matters. However, this Court do not find any considerable improvement in listing the matters periodically nor those case bundles, which all are mixed up with the other case papers by the Registry staff are not dealt with properly. This conduct of the Registry would have serious repercussions and will create not only doubt, but the trust on the judicial system will be shakened.

14. No doubt, large number of cases are pending and it may not be possible for the Courts to take up all those matters and dispose of the same. However, the Courts are expected to be cautious, while granting interim

orders, which would be detrimental to the financial position of the State or its organizations, since public money has been involved. In the absence of any strong *prima facie* case for grant of interim orders, the Court would prefer to hear the parties and thereafter, pass interim orders or final orders as the case may be. A balanced approach in the matter of grant of interim order in a writ proceedings in the present day circumstances are of paramount importance. On some occasions, either of the parties with an ill-motive are obtaining interim orders one way or other even by misrepresenting the case or misleading the Courts and thereafter, keep the matters pending for years together by approaching tactical methods. This situation is creating greater financial loss to the State Exchequer, which has got larger public repercussions in the State.

15. Extremely significant clause of Article 226 that has been inserted by **section 30 of the constitution (44th Amendment)Act, 1978,** namely clause (3) of Article 226.

16. <u>Whether Article 226 (3) is mandatory ?</u>

(1). The Rajasthan High Court was the first high court to deal with the interpretation of Article 226(3) in the case of **Gheesa lal vs state of Rajasthan, 1980 SCC Online Raj 36**, a single bench of the Rajasthan High court held :

> "It is obvious that the intention of keeping the provisions for automatic vacation of such order, where no order is passed within 2 weeks, is that the party who obtains an exparte stay order, should not be allowed to abuse or misuse the process of the court by proceeding is a leisurely manner.(para 5)

The court further held that if the office of the High court does not immediately take steps for listing the application for vacating the interim stay, it is for the petitioner to take steps for getting the case listed on the very next day or within the statutory period of 2 weeks and having done so, he cannot be allowed to prolong the stay order by delay on the part of the office.

Therefore the court eventually was of the opinion that since the constitutional mandate admits of no exceptions, even without passing any

order on the application, ex parte ad interim stay order would stand vacated on the expiry of 14 days i.e two weeks from the date of filing of the application or giving of the copies whichever is later. In other words the court held that the provision is mandatory.

(2) The single bench of the Calcutta High court in the case of **Krishna kumar Aganvala vs RBI, relied on the aforementioned judgment of the Rjasthan High court, 1990 SCC Online Cal 107,(para 10)** and was of the view that Article 226(3) was mandatory and not directory. (para 8 -12). The Court was of the view that, clause (3) has not only affirmatively enjoined the court to dispose of the application within the period specified, but has also negatively in categorical terms provided for the consequence of non disposal within the period.(para 8). **According to the court when a Statutory provision not only directs a thing to be done in a specified manner or within a specified period, but at the same time provides for the inevitable consequence of non compliance with the direction, the direction must be held to be obligatory and not merely directory (para8).**

The court went on to compare the provisions of order 39 rule 3A of the code of civil procedure, 1908 with Article 226(3). Order 39 Rule 3A provides that where an injunction has been granted exparte, the court shall endeavour to dispose of the application within 30 days and if it is unable to do so, it should record reasons for its inability. Since such a provision for recording reasons is not found in Article 226(3), the court held that the said provision is mandatory. The court held that even if the application for vacation is not disposed of the within the specified period and the original exparte interim order shall automatically stand vacated, nothing shall prevent the court to grant an interim order afresh after hearing the parties, on the application for vacation or otherwise, if the court finds sufficient grounds to make such fresh order.(para12)

(3) The Division Bench of the Kerala High court in the case of **Raghunandanan vs RTA, 1995 SCC Online Ker 101, paras 6 and 7** in a short order followed the judgments delivered by the Rajasthan and Calcutta High courts. This view was reiterated by the coordinated Bench of the Kerala High Court in **C. Babu vs Jayakumar, 1995 SCC Online Ker 198,** which relied upon P. Raghunandanan judgment.

(4) The Full Bench of the Gujarat High Court in the case of **District Development Officer vs Maniben v Virabhai, 2000 SCC Online Guj 115,** also held that the provision is mandatory. According to the court where the language of the constitutional provision is plain and unambiguous, the provision cannot be read down on consideration that if the plain meaning is assigned the consequences would be inconvenient or unjust to a party. This decision of the Gujarat High Court was followed by a single Judge Bench of the Manipur High Court in the case of **Khaipao Haokip vs Suanchinpau 27.**

(5)**. The Division Bench of the Allahabad High court in the case of C. Chaudhary vs Dr. Bhim Rao Ambedkar University**, **2003 SCC Online All 453**, apart from referring to the judgment of the Rajasthan High court in Gheesa Lal cited supra, also following its own high court decisions and various supreme court decisions held that Article 226(3) is mandatory,2018 SCC Online Mani 82 (para 5,7,8,10 to 17, 21). However while adding a caveat the Allahabad High court also held that :

" a party seeking vacation of the stay order,is under

obligation to approach the court within reasonable time from the date of notice to it : if the stay vacation application is filed in a leisurely manner, the party cannot claim that the interim order stands automatically by operation of law as it would amount to giving such a party premium for its non action within a reasonable period and the very purpose for which the provision has been enacted, would stand frustrated. 2018 SCC Online Mani 82 (para 22)

(6) This aforesaid view of filing of the application in a timely manner has been reiterated by the Single Bench of the Jharkhand High Court in the case of **DAV High School vs state of Jharkhand, 2005 SCC Online Jhar 173,** in which the court opined as under :

"*5. ... A bare reading of the provision makes it clear that the party against whom the interim order has been passed without giving him opportunity of hearing, may make an application for vacating such order at the earliest possible point of time and not leisurely and with deliberate case at any. point of time. In that case, the Court has to dispose of the application within a period of two weeks from the date on which it is received. There is thus element of urgency in the provision. It is expected of a party against whom an interim order is passed, if he so intends to make an application for vacation of the same when*

he appears at the first instance for bringing his application for consequential automatic vacation of the order under Article 226(3). A party cannot be allowed to take benefit of the said provision of urgent nature, at any stage of litigation. If the party against whom the interim order is passed does not object to the same on his first appearance and does not file an application for vacating the interim order/stay, though files his reply to contest the case on merit, the provision of automatic vacation of interim order as envisaged in Article 226(3) shall not be available to him even if the application is not disposed of within two weeks from the date of its receipt or furnishing the copy to the other side, as the case may be."

17. **The contrary view expressed by other High Courts**

(1) The aforesaid views of the Rajasthan, Calcutta, Kerala, Gujarat and Allahabad High Courts about the mandatory nature of Article 226(3) did not find favour with the **Single Bench of the Madras High Court** that took an out-of-the-box approach in **Gnanasambanthan v. Board of Governors, 2014 SCC Online Mad 235**

(2) According to the Madras High Court, none of the High Courts mentioned above considered the question "from the pedestal of the

most fundamental principle of law, namely, **that no one shall be prejudiced by an act of court (actus curiae neminem gravabit).** An act can either be an act of omission or be an act of commission."(para 65)

(3) According to the Court, if the Registry of the Court does not list an application for vacation of the interim relief, the parties cannot be faulted for the same and this act of not listing the matter would be an act of omission.

(4) Carving out an exception to the general rules of prescription and consequence of non-compliance of a statutory provision, **the Court held that only when the direction as well as the consequences of non-compliance fall upon the same person can a provision be held to be mandatory**.[para 70]

(5) **Therefore, if the High Court under Article 226(3) fails to comply with this constitutional mandate and the consequence of non-compliance falls upon adversely on the party who has obtained interim relief, the provision has to be treated as directory.[para 71]**

(6) The decision of the Madras High Court was also followed and expounded upon by a Division Bench of the **Kohima Bench of the Gauhati High Court in Rukuvoto Ringa v. Meyalemla, [2020 SCC Online Gau 3162],** While agreeing with the view taken by the Madras High Court in Gnanasambanthan,[**2014 SCC Online Mad 235**], the Gauhati High Court contemplated the possibility of a party who seeks vacation of the interim order waiving the right to have the application disposed of within two weeks.[**2020 SCC Online Gau 3162, para 61**]

The Court then went on to observe that Article 226(3) is "a special provision and right which is invokable only by the party who had not been furnished a copy of the petition nor given the opportunity to be heard when the stay order was passed. According to the Court, in a writ proceeding, public authorities or the State Government are main parties to the proceeding apart from private parties; copies of the petition are generally given to the respective counsels of such public authorities when the matter is taken up for interim relief and therefore, this provision is not ordinarily applicable to such respondents. This is because, if by default, the vacation

of stay order under Article 226(3) is invoked by another party to the proceeding who is not a public authority, in the event the stay order stands automatically vacated after two weeks, the public authority who may have already been heard and served in advance "will also reap the benefit" of the interim relief being vacated. [**2020 SCC Online Gau 3162, para 65**]

The Court also noted that Article **226(3), if held to be mandatory would curtail the discretionary power available to the High Court to grant interim relief.[2020 SCC Online Gau 3162, para 72 and 75] Such an interpretation would, according to the Court, also curtail the discretionary power of judicial review of the High Court which is a part of the basic structure of the Constitution.[2020 SCC Online Gau 3162, para 77]**

The Court also observed that power to grant interim relief "is inherent in the High Court" and this inherent power cannot be curtailed by a "processual provision or procedural provision".[para 86] Practically speaking, the Court felt that due to the ongoing COVID-19 pandemic, many institutions including the judiciary are not functioning normally and therefore if Article

226(3) was read to be mandatory, it would lead to "great prejudice to the petitioner".[para 79]

The Division Bench in **Rukuvoto**[2020 SCC Online Gau 3162] disagreed with the view taken by the Single Bench of the Gauhati High Court in Axis Bank Ltd. v. Anupam Acharjee[**2010 SCC Online Gau 45**] which had held that ***Article 226(3) is mandatory***. The Court in Axis Bank had relied on the view taken by a previous Single Bench of the Gauhati High Court in South East Bus Assns. v. State of Assam[(**1981) 1 GLR 305**] that had in turn relied on the judgment of the Rajasthan High Court in Gheesa Lal.

The Division Bench in **Rukuvoto (supra)** also disagreed with the views taken by two previous Division Benches of the Gauhati High Court in **R.D. Srivastava v. Suren Panging[(2003) 1 GLT 346]** and **Thokchom Anita Devi v. Tayenjam Herojit[2012 STPL 21444 GAUHATI] that had held that Article 226(3) is mandatory.**

The Division Bench in Thokchom case had relied on the view taken by the Full Bench of the Gujarat High Court in **Maniben Virabhai**[**2000 SCC**

Online Guj 115] and had specifically rejected the contention based on the maxim actus curiae neminem gravabit that had been relied upon by the Madras High Court in T. Gnanasambanthan.[**2020 SCC Online Gau 3162, para 52**] In light of this disagreement, the Division Bench in Rukuvoto[**2020 SCC Online Gau 3162, para 103**] deemed it appropriate that the issue "be referred to a larger Bench" to decide whether Article 226(3) is mandatory or directory. **The reference is awaiting adjudication.**

18. The Apex Court in the historic case of ***Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation,*** reported in **(2018) 16 SCC 299,** had ruled that **in all civil & criminal cases stay granted by a court shall automatically expire at the end of 6 months from the date of the order. This was ordered so to remedy the long inordinate delay in disposal of cases in the lower courts due to grant of stay by the higher court.** It would be trite to refer to the operating para of the said judgment which reads as under:

> "*36. In view of the above, situation of proceedings remaining pending for long on account of stay needs to be remedied. Remedy is required not only for corruption cases but*

for all civil and criminal cases where on account of stay, civil and criminal proceedings are held up. At times, proceedings are adjourned sine die on account of stay. ***Even after stay is vacated, intimation is not received and proceedings are not taken up. In an attempt to remedy this situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalised.*** *The trial court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced."*

The said judgment was passed in the peculiar facts and circumstances of the case and displayed anguish of the Court against the undue delay in disposal of the cases resulting in delay/denial of justice. **The Court directed**

universal application of the said judgment to both criminal & civil cases.

The said judgment was not welcomed by the legal fraternity and widespread dissent was expressed in legal circles as to the application of the said judgment and the problems arising out of vacation of stay. **MA NO. 706 OF 2022 & 1577 OF 2020** were moved in the said case of Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation **seeking clarification of the said order** in as much as the said case should not apply to different facts of the applicant's case.

19. **In the case of the applicant to the MA, the applicant was writ petitioner before the High Court. LPA was filed before a division bench of the High Court against the order of the Single Judge. The Division Bench stayed the operation of the order passed by the Single Judge. Clarification to the applicability of the judgment in Asian Resurfacing had been sought in the said MA. A bench comprising of Justice K.M. Joseph & Hrishikesh Roy on April 25, 2022 categorically held that the direction issued in Asian Resurfacing arose out of the peculiar facts of**

the case revolving around halting of civil/criminal trial due to grant of the stay orders.

The Court observed thus: "The result was that cases were not being taken to their logical conclusion with the speed with which they should have been done.

20. **The Court denied universal application of Asian Resurfacing in all cases as the said verdict was passed in the peculiar background of that particular case.** The Court held thus:

> "*We are afraid that the attempt of the applicant to draw inspiration from the above directions as referred to above cannot succeed in view that this Court cannot be understood as having intended to apply the principle to the fact situation which is presented in this case. Accordingly, the miscellaneous application for clarification is disposed of by clarifying that the order of stay granted by the Division Bench in the High Court cannot be treated as having no force."*

The legal position that emerges after the clarificatory order dated 25/04/2022 is that the legal sanctity of Asian Surfacing has been diluted although Asian Surfacing has not been overruled. Thus, the Apex Court Dictum of automatic vacation of stay in Asia Resurfacing case is not applicable in all facts & circumstances. Whether the dictum of Asian Surfacing is applicable with full force or not will depend on the individual facts of the case, wherein Asia Surfacing is sought to be applied.

21. In the present case, the petitioner has cited an interim order passed by the Hon'ble Division Bench of this Court, wherein writ appeal was filed against the order of dismissal passed in the writ petition in the similar matter. However in yet another appeal of a similar issue, the Hon'ble Division Bench passed final orders in W.A.No.1013 of 2018 dated 16.08.2021, wherein the revision of rent by the Municipal Administration was upheld by the Hon'ble Division Bench of this Court.

22. The Hon'ble Division Bench of this Court in the said writ appeal held as follows:

"8. Though we find merits on the submission made by Mr.M.Elumalai, learned counsel appearing for the fifth respondent and Mr.T.Arunkumar, learned Government Advocate appearing for respondents 1 to 4, considering the present pandemic situation, we are inclined to accept the plea made by the learned counsel appearing for the appellants. Therefore, if the appellants are prepared to accept the enhanced rate fixed by the fifth respondent on clearing the entire arrears, their request would be considered. Four weeks' time is granted to the appellants to approach the fifth respondent with the arrears of enhanced rent as on date. Accordingly, the writ appeal stands disposed of. Consequently, connected M.Ps are closed. No costs."

23. The above order of the Hon'ble Division Bench of this Court is also pertaining to the Government order issued in G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007. As per the Government order, the Government enhanced 15% rent from the prevailing rent for the shops from 01.04.2016 to 31.03.2019 by adopting renewal procedures.

24. Thus, the issues raised by the petitioners herein are also similar and based on the very same Government order issued in G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007. Thus, the interim orders passed in pending writ appeals are of no avail and the final order passed in W.A.No.1013 of 2018 dated 16.08.2021 is binding and therefore, the said final order of the Hon'ble Division Bench is to be followed.

25. Mr.Elumalai, learned counsel, brought to the notice of this Court about the final order passed by the Hon'ble Division Bench of this Court and his timely assistance to the Court stands appreciated.

26. The validity of the Government Order issued in G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007 has been upheld by the Division Bench of this Court and the Writ Appeal filed by the allottees were dismissed by the Division Bench.

27. In the present cases, the petitioners have not raised any other new ground for the purpose of further consideration or otherwise. The

Government Order issued in G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007, revising the rent once in three years is a reasonable decision taken in the interest of public and to protect the Revenue of the Municipal Administration.

28. Thus, the writ petitioners are not entitled for the relief as such sought for in the present writ petitions and the writ petitioners are bound to pay the revised rent as per the notice issued by the Coonoor Municipality, failing which, they are bound to vacate the premises and hand over the vacant possession to the Municipality.

29. The Registry, High Court of Madras, is directed to ensure that the vacate stay petitions and the writ petitions, where interim orders are in force are listed periodically for hearing and to provide opportunity to the parties against whom the interim orders are in force. Periodical listing of those cases are to be monitored by the Registry, so as to avoid injustice and financial loss to the State and its organizations in the interest of public.

30. Accordingly, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.04.2023

Index : Yes
Speaking order
Neutral Citation:Yes
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Note: *Registry, High Court of Madras, is directed to communicate the copy of this order to the Registrar (Judicial), High Court of Madras for effective actions.*

To

1.The Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Coonoor Municipality,
Coonoor.

3.The Revenue Officer,
Coonoor Municipality,
Coonoor.

Copy to:

The Registrar (Judicial),
High Court, Madras.

S.M.SUBRAMANIAM, J.

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W.P.Nos.10599 & 10602 of 2023

06.04.2023