

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

C O R A M :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. Nos.1534 to 1542 of 2015

1.K.M.Kandasamy ...Appellant in W.A.1534/15
2.S.A.Hameed ...Appellant in W.A.1535/15
3.S.Ahmed Meeran ...Appellant in W.A.1536/15
4.S.Anvardeen ...Appellant in W.A.1537/15
S/o.Syed Mohmed
5.S.A.Abdul Azeez ...Appellant in W.A.1538/15
6.S.Khajamohaideen ...Appellant in W.A.1539/15
7.T.P.N.SaitMohamed ...Appellant in W.A.1540/15
8.K.M.Jamaldeen ...Appellant in W.A.1541/15
9.K.M.AbdulHakim ...Appellant in W.A.1542/15

Vs

1. The Secretary to Government
of Tamil Nadu
Municipal Administration and
Water Supply Department
St. George fort,
Chennai. 600 009.
2. The Commissioner of
Municipal Administration
Chepauk
Chennai. 600 005.
3. The Commissioner,
Kallakkurichi Municipality,
Villupuram District. ... Respondents in all WAs

Common Prayer:-Appeal in W.A.Nos. 1534 to 1542 of 2015 filed
under Clause 15 of Letters Patent to set aside the order dated
25.08.2015 made in W.P.No.17901 of 2015.

W.P.Nos.17901 to 17909 of 2015 : Writ Petitions under Article 226 of the Constitution of India praying for issue a Writ of Certiorarified Mandamus to call for the records pertaining to the portion of the notice sent by the 3rd respondent Municipality bearing Na. Ka. No. 3639/2012-A3 dt 6.5.2015 in so far as it relates to the payment of advance amount of Rs.10 00 000/- quash the same and also direct the 3rd respondent to accept reasonable advance which may be stipulated by this Court.

For appellants : Mr.V. Raghupathi

For respondents : Mr. N. Sakthivel
Government Advocate - R1 & R2

Mr. A.S. Thambuswamy - R3

COMMON JUDGMENT
(Delivered by SATISH K. AGNIHOTRI, J.,)

The instant intra Court appeals arise from the common order dated 25.08.2015 passed in W.P. Nos. 17901 to 17909 of 2015.

2. The appellants herein filed the instant writ petitions being W.P.Nos. 17901 to 17909 of 2015 impugning the notices dated 06.05.2015 issued by the 3rd respondent Municipality, insofar as they relate to payment of advance amount of Rs.10,00,000/- and also for a direction to the 3rd respondent to accept the reasonable advance offered by them.

3. The learned single Judge, relying on the observations made by the Supreme Court in Civil Appeal Nos. 1933 to 1941 of 2015 preferred by the petitioners claiming allotment of shops on preferential basis, directed the respondents to allot shops to the appellants on preferential basis on payment of monthly rent of Rs.25,000/-, subject to compliance of the terms and conditions as are applicable to other lessees.

4. On a persual of the documents, it is noticed that all the lessees are liable to deposit a sum of Rs.10,00,000/- each as advance for occupation of front row and a sum of Rs.5,00,000/- each for occupation of the rear row. The appellants are occupants of 9 shops in the front row.

5. In the course of the arguments, the appellants came out with a fair proposal that they are ready and willing to deposit a sum of Rs.10,00,000/- as advance amount, however, some time may be given to them to make the deposit. To prove their bona fides, the appellants have also filed individual affidavits of undertaking agreeing to pay the advance amount, after deducting the amount already paid by them.

6. Learned counsel appearing for the third respondent submits that ten weeks' time sought by the appellants in their affidavits of undertaking is on the higher side and hence, some reasonable time may be given to them.

7. We have considered the submissions as well as the affidavits of undertaking given by the appellants.

8. Regard being had to the amount involved herein, the appellants are granted eight weeks' time from today to make payment of advance amount.

9. These writ appeals are accordingly disposed of, upholding the impugned common order passed by the learned single Judge. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
of Tamil Nadu
Municipal Administration and
Water Supply Department
St. George fort,
Chennai. 600 009.

2. The Commissioner of
Municipal Administration
Chepauk
Chennai. 600 005.

3. The Commissioner,
Kallakkurichi Municipality,
Villupuram District.

+9cc's to Mr.V.Raghupathi, Advocate, S.R.No.59718
+1cc to Mr.A.S.Thambuswamy, Advocate, S.R.No.59733
+1cc to the Government Pleader, S.R.No.60080

W.A. Nos.1534 to 1542 of 2015

VSN(CO)
CA(06/11/2015)



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