

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P. No. 11209 of 2015

&

M.P. Nos. 1 & 2 of 2015

K.C. Subramanian

..Petitioner

Vs.

The Commissioner,
Mettupalayam Municipality,
Mettupalayam,
Coimbatore District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the respondent in Na. Ka. No. 4557/2014/A1 dated 18.03.2015 and the subsequent proceedings in Na.Ka.No. 4557/2014/A1 dated 09.04.2015 and to quash the same and consequently direct the respondent Municipality to extend the lease of shop No.2 in Mettupalayam Bus stand allotted to the petitioner for further period or to provide any alternative site/shop in favour of the petitioner.

For Petitioner :: Mr.G. Sankaran

For Respondents :: Mr.B. Anand

O R D E R

By consent of both parties, the main writ petition itself is taken up for final disposal.

2. The petitioner would state that he was granted lease of shop No.2 at Ooty Main Road, Mettupalayam near to the bus stand, by the respondent Municipality, which was periodically renewed and it was extended for a period of 3 years on 09.04.2012 at the revised rent of Rs.4,265/-. According to the petitioner, he has not committed any default in payment of rent. The petitioner would state that he is in possession of the above said shop No.2

for more than 33 years and he is running a Sweet Stall in the said premises. Further, according to the petitioner, the respondent Municipality has renewed the lease of all the shops, in and around the bus stand, numbering more than 200, in favour of the existing lessees, based on the revised rate of rent and therefore, the petitioner submitted a representation seeking renewal of lease of shop No.2 as the period of lease was to expire on 31.03.2015. The petitioner would state that, while so, he was served with a notice dated 18.03.2015 by the respondent Municipality only on 27.03.2015 stating that as per the resolution passed by the Local Body, a decision has been taken to demolish the shops on the northern side of the bus stand entrance on the ground that the location of the shops is causing hindrance to traffic and the petitioner was called upon to vacate the shop on expiry of lease period on 31.03.2015, failing which, it was informed that the lease would be terminated from 01.04.2015. Aggrieved by the said order, the petitioner has come forward with this writ petition.

3. Mr.G. Sankaran, learned counsel for the petitioner, has admittedly, drawn the attention of this Court to the order dated 15.04.2015 passed in W.P. Nos. 10861 to 10864 of 2015 & W.P. No. 10794 of 2015, wherein, in respect of similarly placed leaseholders of shops, this Court disposed of the writ petitions granting 10 weeks' time to them, to vacate and deliver vacant possession of the shops under their occupation, subject to filing of affidavits of undertaking and submitted that similar orders can be passed in this writ petition as well.

4. This Court heard the submissions of Mr. B. Anand, learned Standing Counsel for the respondent Municipality.

5. This Court, after considering the rival submissions and upon perusal of the materials placed before it, is of the view that the order dated 15.04.2015 passed in W.P.Nos. 10861 to 10864 of 2015 & W.P. No. 10794 of 2015 would squarely apply to the facts of this case as well.

6. In the result, the writ petition is disposed of granting time till 30.06.2015, to the petitioner, to vacate and deliver vacant possession of the shop under his occupation to the respondent Municipality and he shall also file an affidavit of undertaking to that effect on or before 22.04.2015. No costs. Connected M.Ps are closed.

7. Call on 22.04.2015 for filing of affidavit of undertaking by the petitioner.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nv

To

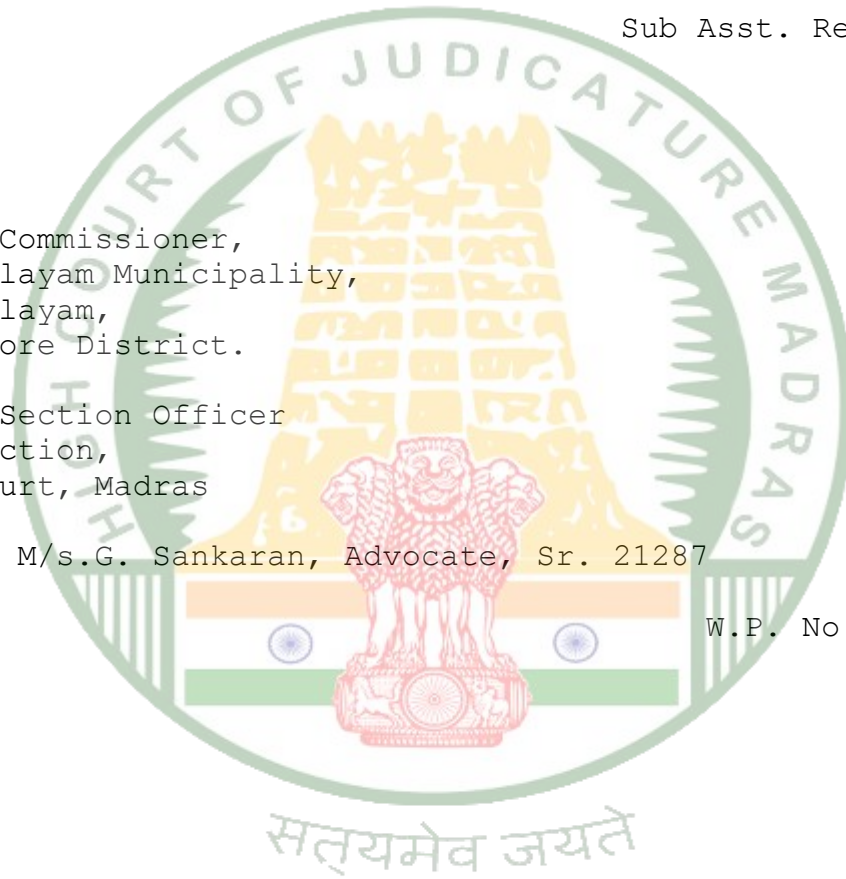
1. The Commissioner,
Mettupalayam Municipality,
Mettupalayam,
Coimbatore District.

2. The Section Officer
Writ Section,
High Court, Madras

1 cc to M/s.G. Sankaran, Advocate, Sr. 21287

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