

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30-10-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos. 26385,26869 and 27204 of 2015

Tmt.S.Jayalakshmi ...Petitioner in W.P.No.26385 of 2015
Mr.Thirumurthi ...Petitioner in W.P.No.26869 of 2015
Mr.N.Shanmugam ...Petitioner in W.P.No.27204 of 2015

Vs.

1. The Secretary to Government of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The Chairman,
Udumalpet Municipality,
Udumalpet,
Tirupur District.
3. The Commissioner,
Udumalpet Municipality,
Udumalpet,
Tirupur District.
4. Mr.P.Chinnaraj,
The Councillor,
Udumalpet Municipality,
Udumalpet. ...Respondents in all writ petitions
R-4 is suo-motu impleaded as per order
dated 16.09.2015 in
W.P.Nos.26385,26869 and 27204 of 2015

W.P.No.26385 of 2015

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the resolution passed by the 2nd respondent in resolution No.1789 dated 01.04.2015 and the consequential Tender Notice dated 21.04.2015 passed by the 3rd respondent as being ultravires G.O.(Ms) No.92 Municipal Administration & Water Supply Department (MAWS) (NA.Ni4) dated 03.07.2007.

W.P.No.26869 of 2015

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the resolution passed by the 2nd respondent in resolution No.1789 dated 01.04.2015 and the consequential Tender Notice dated 03.04.2015 passed by the 3rd respondent as being ultravires G.O.(Ms) No.92 Municipal Administration & Water Supply Department (MAWS) (NA.Ni4) dated 03.07.2007.

W.P.No.27204 of 2015

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the resolution passed by the 2nd respondent in resolution No.1789 dated 01.04.2015 and the consequential Tender Notice dated 03.04.2015 passed by the 3rd respondent as being ultravires G.O.(Ms) No.92 Municipal Administration & Water Supply Department (MAWS) (NA.Ni4) dated 03.07.2007.

For Petitioners : Mr.A.Saranraj

For Respondents : Mr.Mr.RM.Muthukumar
Government Advocate for RR 1 & 2
Mr.A.S.Thambusamy for R3

ORDER

The petitioners are carrying on business separately in Shop No.8, (New No.5 and 6), Shop new No.10 (Old No.12) and Shop Old No.12, (New No.10) respectively at Central Bus Stand, Palani Road.

2. Petitioners were given vacant lands and they have put up pucca structures and they are carrying on their business.

When things stand so, the second respondent passed a resolution dated 1.4.2015 inviting tenders to lease out the shops belonging to the Udumalpet, Municipality including the petitioners' shops. Thereafter, the respondents refused to receive the monthly rent from the petitioners. In the meantime, the third respondent is also threatening to dispossess the petitioners. Therefore, the petitioners have come before this court challenging the resolution dated 1.4.2015 passed by the third respondent and the consequent tender notices dated 3.4.2015, 21.04.2015 and 3.4.2015 issued by the third respondent.

3. Heard Mr.A.Saranraj, learned counsel appearing for the petitioners, Mr.RM.Muthukumar, learned counsel appearing for the respondents 1 and 2 and Mr.A.S.Thambusamy, the learned counsel appearing for the third respondent.

4. When the matter is called today, the respective petitioners filed their separate affidavits undertaking to pay the the current market value rent at the rate of Rs.30,000/-, Rs.18,011/- and Rs.15,100/- respectively. The petitioners also undertake to pay EMD amount Rs.2,00,000/-, Rs.2,00,000/-, Rs.1,00,000/- respectively.

5. Since, the respective petitioners filed separate affidavits, the respondents shall not vacate the petitioners and shall grant lease to the petitioners till 31.03.2018 for their respective shops.

6. It is represented by the leaned counsel appearing for the third respondent that the petitioner in W.P.No.27204 of 2015 is said to have encroached upon certain portions. It is open to the third respondent to measure the property and if it is found that there is any encroachment, it is open for it to recover the encroached portions.

7. With the above observation, the writ petitions are disposed of. No costs. Consequently the connected M.P.Nos.1,1,1 of 2015 in W.P.Nos.26385,26869 and 27204 of 2015 are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Chairman,
Udumalpet Municipality,
Udumalpet,
Tirupur District.

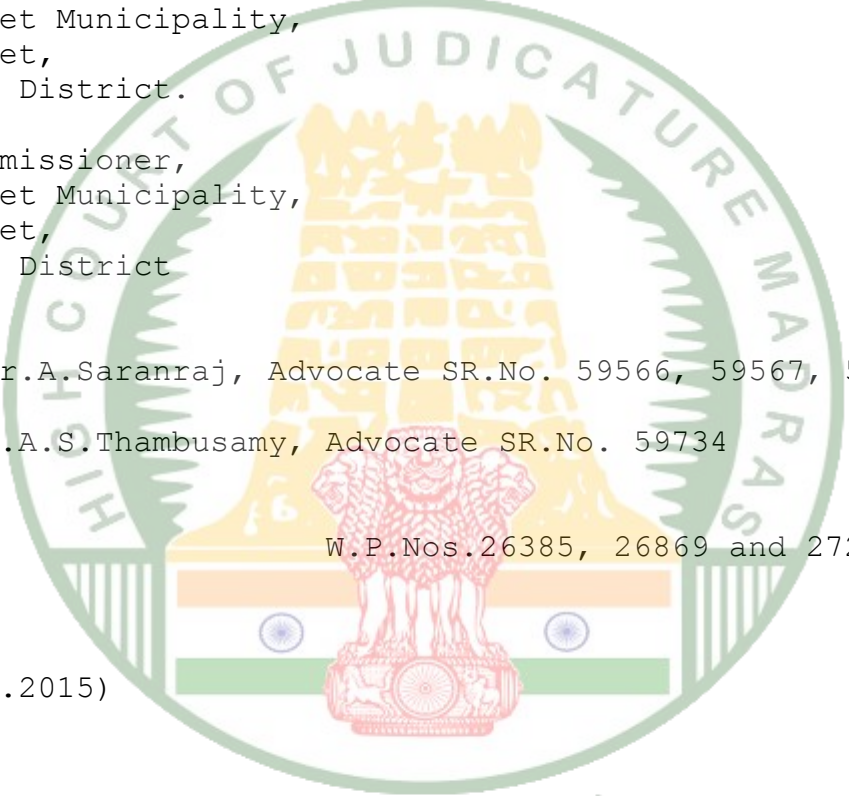
3. The Commissioner,
Udumalpet Municipality,
Udumalpet,
Tirupur District

3 CCs to Mr.A.Saranraj, Advocate SR.No. 59566, 59567, 59568

1 CC to Mr.A.S.Thambusamy, Advocate SR.No. 59734

W.P.Nos.26385, 26869 and 27204 of 2015

CA (CO)
PSI (24.11.2015)



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