

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8210 of 2015 & MP.Nos.1&2/2015

1.S.Mohanraj
2.G.P.Subramaniam
3.N.Deivanai
4.Karupayal
5.M.Ramayal
6.Lakhmi
7.P.S.Arthanathiswaran
8.A.Sagunthala
9.P.N.Arumugam
10.Saraswathi
11.G.M.Aruswamy
12.B.Sulochana
13.G.K.Chenniyappan
14.N.K.Hyder Ali
15.S.Devaraj
16.G.N.Balasubramaniam
17.U.Ismail
18.Syed Mustafa
19.G.L.Jegannathan
20.A.Suryanarayanan
21.G.M.Shakul Hameed

... Petitioners

Versus

1. The Chairman
Gobichettipalayam Municipality
Gobichettipalayam, Erode District.
2. The Municipal Commissioner
Gobichettipalayam Municipality
Gobichettipalayam, Erode District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to the resolution dated 28.11.2014 made in Municipal Council Resolution No.304 on the file of the Chairman of Gobichettipalayam Municipality, Gobichettipalayam, Erode District, the 1st respondent herein and the consequential notice dated 04.03.2015 made in Na.Ka.No.4280/2014/A3 on the file of the

Commissioner, Gobichettipalayam Municipality, Gobichettipalayam, Erode District, the 2nd respondent herein and quash the same and direct the respondents to renew the license of the petitioners with enhanced fee at 15% as per G.O.Ms.No.92 dated 03.07.2007.

For Petitioners : Mr.A.V.Arun

For Respondents : Mr.A.S.Thambusamy for M/s.B.Anand

ORDER

Heard Mr.A.V.Arun, learned counsel appearing for the petitioners and Mr.A.S.Thambusamy, learned counsel accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner have filed this writ petition challenging the order of the 1st respondent dated 28.11.2014 and the consequential order of the 2nd respondent dated 04.03.2015 with a prayer to quash the same and to direct the respondents to renew the license of the petitioners with enhanced fee @ 15%.

3.Admittedly, the petitioners are neither licensees nor lessees in the respondent/Municipality and therefore, the question of applying the provisions of G.O.Ms.No.92 dated 03.07.2007 does not arise. Hence, the challenge to the Resolution dated 28.11.2014 by the petitioners is thoroughly misconceived.

4.Learned counsel for the respondent/Municipality submitted that initially these 21 shops were attached to the Daily Market and the Municipality was losing revenue and therefore, for this year, it has been decided to bring the Daily Market for a separate auction and these 21 shops for a separate auction. It is further submitted that in respect of the auction for Daily Market, the same was already over and the successful bidder has remitted the amount and insofar as the 21 shops, which are the subject matter of this writ petitions, they are to be brought for auction on 25.03.2015 [tomorrow].

5.In the light of the above, since the petitioners are neither licensees nor lessees and have no right to seek protection under G.O.Ms.No.92, the respondent/Municipality is permitted to proceed with the auction and it is open to the petitioners to participate in the auction to be held tomorrow [25.03.2015].

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

AP

Sd/-
Asst. Registrar
Dt 24.3.2015

/true copy/

Sub Asst. Registrar.

To

1. The Chairman
Gobichettipalayam Municipality
Gobichettipalayam, Erode District.
2. The Municipal Commissioner
Gobichettipalayam Municipality
Gobichettipalayam, Erode District.

+ 1 cc to M/s.A.V.Arun, Advocate SR 16421

+ 1 cc to Mr.A.S.Thambuswamy SR 16284

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WP.No.8210 of 2015

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