

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.16231 to 16233 of 2016 &
WMP Nos.14018 to 14023 of 2016

Salem Managratchi Nagara
Perunthu Nilaiya Kattida Vadagai
Kadaikarargal Nala Sangam (Regn No. 11/2008)
rep. by its President - T.S.Sivalingam
.. Petitioner in WP.16231/16*

M/s. Sandaipettai Vandipettai
Srinivasa Poonga Valaga Managaratchi
Kandai Vadagai Oppandakarargal
Nalasangam, Rep. by its Secretary,
C. Saravanan, 10, Vandipettai,
Salem. ..Petitioner in WP.NO.16232/2016*

M/s. Salem Managaratchi
Gunduchetty Eri Vaniga Valaga
Kadaikarargal, Nalasangam, rep. by its.
President - V. Chandrasekaran, 6-B,
Gunduchetty Eri, Shevapet, Salem.
..Petitioner in WP.NO.16233/2016*

Vs

The Mayor
Corporation of Salem
Salem, Salem District .. Respondent in all W.Ps.

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records on the file of the respondent in its impugned Resolution dated 22.02.2016 quash the same in so far as it relates to inside bus stand shops are concerned.

For Petitioner : Mrs.R.Hemalatha

For Respondents : Mr.S.Diwakar
Standing Counsel for Salem Corporation*

C O M M O N O R D E R

Heard Mrs.R.Hemalatha, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Additional Government Pleader accepting notice on behalf of respondent. By consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2.The members of the petitioner Sangam are all small traders, running shops in the Shopping Complex/Building owned by the respondent Corporation. The petitioners would state that arbitrarily the respondent Corporation, has passed a resolution unilaterally increasing the rent by nearly 300%.

3.In the light of the fact that the petitioners are participants in the auction conducted by the respondent Corporation, if they want to enjoy the lease hold rights, obviously, they have to comply with the terms and conditions of auction or the lease conditions.

4.Therefore, there is no vested right for the petitioners to seek for reduction of the rental amount. However, taking into consideration of the fact that the petitioners are all small time traders, liberty is granted to the petitioners to approach the respondent Corporation, by way of representation, clearly setting out the area in their occupation, nature of trade done by them and the approximate income which they earn on monthly basis, so as to justify their stand that they would be unable to pay the enhanced rent. If such representation is made, the competent authority of the respondent Corporation is directed to consider the same, and pass appropriate orders, within a period of two weeks from the date of receipt of the representations.

The Writ Petitions are dismissed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS VII)

dt. 12.05.2016

Corrected as per order of this
Court dated 3.6.2016 and made herein

Sd/-

Asst.Registrar (CS VII)

dt. 07.06.2016

/true copy/

Sub Asst. Registrar

r p a

To

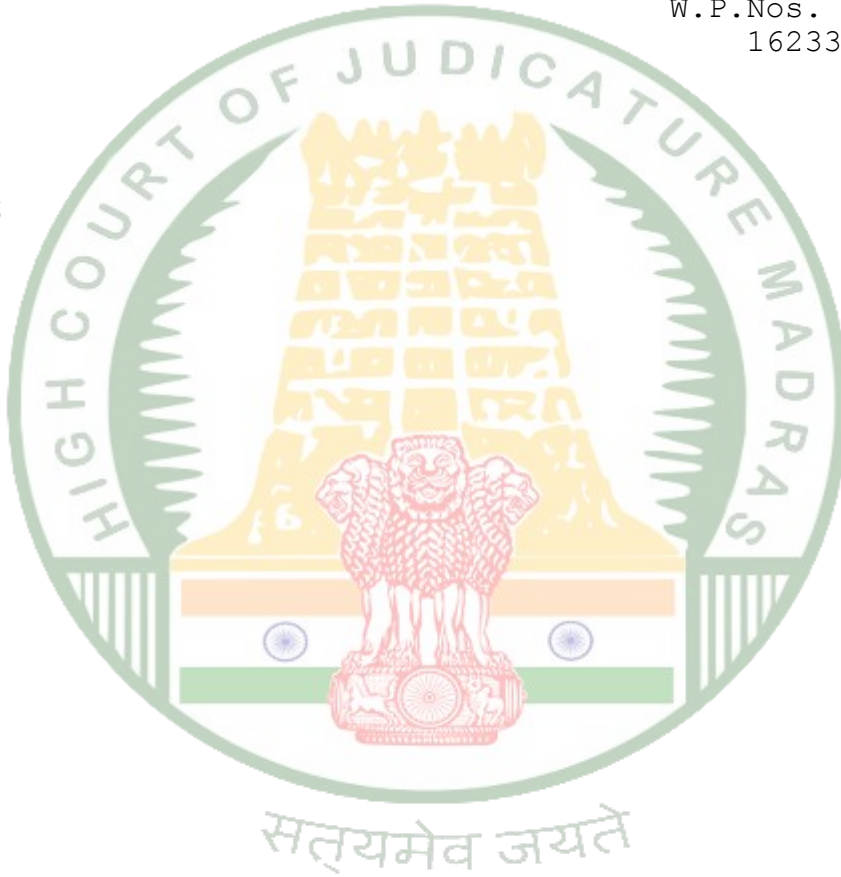
The Mayor
Corporation of Salem
Salem, Salem District

To be substituted to the
order already despatched
on 17/5/16 and made herein

3 ccs to Mrs. R. Hemalatha, Advocate,
SR. 29636, 29635, 29634

W.P.Nos. 16231 to
16233 of 2016

LRS (CO)
kk 12/5
EU 08.6.16



WEB COPY