

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. Nos.20416 to 20422 of 2016 & 23716 of 2016
and
WMP Nos.17511 to 17524, 20323 & 20324 of 2016

M.Gunasekaran ...Petitioner in WP.20416 of 2016
B.S.Jeyamani ...Petitioner in WP.20417 of 2016
P.Arumugam ...Petitioner in WP.20418 of 2016
A.Ananda Natarajan ...Petitioner in WP.20419 of 2016
A.Ananda Natarajan ...Petitioner in WP.20420 of 2016
A.Marthandan ...Petitioner in WP.20421 of 2016
A.Ananda Natarajan ...Petitioner in WP.20422 of 2016
M.Muthu ...Petitioner in WP.23716 of 2016

Vs

- 1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Municipal Administration & Water Supply
Department, Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Salem Corporation, Salem.
- 3.The Assistant Commissioner (i/c)
Suramangalam Ward Office,
Salem Corporation, Salem. ...Respondents in all WPs

Common Prayer in W.P. Nos.20416 to 20422 of 2016 : Writ petitions filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in K1/4248/2015 dated 22.03.2016 and subsequent order passed by the 2nd respondent in Na.Ka.No.K1/4248/2015 dated 30.05.2016 and to quash the same and consequently directing the respondents to pass appropriate orders for revision of lease for the shop allotted to the petitioner in shop No.1, 40, 43, 4, 5, 12 & 3 respectively New Bus Stand, Salem by following the

procedure established by law in strict implementation to G.O.Ms.No.92 Municipal Administration & Water Supply (MA4) Department dated 03.07.2007 after affording reasonable opportunity to the petitioner.

Prayer in W.P.No.23716 of 2016 : Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in K1/4248/2015 dated 22.03.2016 served on 10.06.2016 and the subsequent Auction Notification through Daily Thanthi Newspaper advertisement dated 03.07.2016 and to quash the same in so far as the Hotel premises allotted to the petitioner is concerned (Hotel Arthi at New Bus Stand) and consequently directing the respondents to abide by the conditions as per G.O.Ms.No.29 Municipal Administration and Water Supply Department dated 16.02.1995.

For Petitioners : Mr.R.Muthukumarasamy
in all WPs Senior Counsel for
M/s.R.N.Amarnath

For Respondents : Mr.V.Jayaprakash Narayanan
in all WPs Special Government Pleader
for R1

Mr.S.Diwakar
Special Government Pleader
for R2 & R3

COMMON ORDER

Mr.Muthukumarasamy, learned Senior Counsel appearing for the petitioners would submit as per the demand made by the 2nd respondent, the respective petitioners have agreed and also paid the enhanced monthly rent as well as the caution deposit fixed by the 2nd respondent. The said fact is also admitted by the learned Special Govt. Pleader appearing for the respondents.

2. In view of the above fact that the respective petitioners have paid the enhanced monthly rent as well as the caution deposit, as demanded by the 2nd respondent, the 2nd respondent is directed to extend the lease period in favour of the respective petitioners, for a period of three years, initially, as per G.O.Ms.No.92 Municipal Administration and Water Supply Department dated 03.07.2007 and the 2nd respondent shall also enter into lease agreements with the respective petitioners, based on the new lease amount.

3. The writ petitions are disposed of with the above observations. No costs. Consequently, connected W.M.P.s are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgr

To

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

2.The Commissioner,
Salem Corporation, Salem.

3.The Assistant Commissioner (i/c)
Suramangalam Ward Office,
Salem Corporation, Salem.

+6cc's to Mr.S.Diwakar, Advocate, S.R.Nos.45353 to 45359
+1cc to the Government Pleader, S.R.No.45246

W.P. Nos.20416 to 20422 of 2016
& 23716 of 2016

VSN(CO)
CA(31/08/2016)

सत्यमेव जयते

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