

In the High Court of Judicature at Madras

Dated: 18.08.2016

Coram:

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.Nos.21116, 21118 and 21119 of 2016 and
WMP Nos.18049 and 18050 of 2016; 18053 to 18056 of 2016

N.Muthusamy ..Petitioner in W.P.No.21116 of 2016
S.Velusamy ..Petitioner in W.P.No.21118 of 2016
M.Rathinasamy ..Petitioner in W.P.No.21119 of 2016

Vs.

1. State rep. By the Secretary,
Municipal Administration and Water Supply
Fort St. George, Chennai - 600 009

2. The Commissioner,
Thiruppur Corporation
(Formerly Thirupur Municipality)
Thiruppur,
Thirupur District

..Respondents in all the petitions

Prayer: Writ Petitions filed under Article 226 of the
Constitution of India for a Writ of Certiorarified Mandamus to
call for the records in respect of impugned notice in Ref.
வெ.ஆ.எண்.114/2016.செ.ம.தொ.அ.திருப்பூர் dated 07.06.2016 in file
No.A2/2068/2016 of the 2nd respondent in respect of shop of the
petitioner at shop nos.6; 19 and 4 respectively of Old Bus
stand, Thirupur, quash the same and consequently to direct the
respondents to strictly implement the G.O.Ms.No.147 dated
30.12.2000 and G.O.Ms.No.92 dated 03.07.2007 issued by the 1st
respondent by granting renewal of lease at a reasonable rent.

For Petitioners in all the
Petitions

: Mr.C.S.Dhanasekaran

For 1st Respondent in
W.P.Nos.21116 and
21119 of 2016

: Mr.P.V.Selvakumar,
Additional Government Pleader

For 1st Respondent in
W.P.No.21118 of 2016

: Mr.V.Jayaprakash Narayanan
Special Government Pleader

For 2nd respondent in
all the Petitions : Mr.Silambanan, Senior counsel for
Mrs.P.Shanthi

C O M M O N O R D E R

The petitioners are lessees / licensees in respect of shop nos.6; 19 and 4 respectively in old bus stand, Thiruppur. The present monthly rent/ license amount payable by the petitioners are Rs.4,676/-; Rs.3,926/- and Rs.4,066/- respectively. However, the 2nd respondent / Municipality issued notice dated 10.03.2016 calling upon the petitioners to pay a sum of Rs.32,132/-; Rs.33,933/- and Rs.33,592/- respectively per month for extension of lease and to pay additional deposit of Rs.1,00,000/-. Subsequently, public auction notice dated 07.06.2016 was published in the newspaper "Daily Thanthi" on 08.06.2016. Therefore, the petitioners have challenged the auction notice dated 07.06.2016 stating that the amount fixed by the 2nd respondent is without any basis.

2. When the matter was called earlier, this Court has given the following three options:-

(i) Either to accept the enhanced amount to continue the lease or to allow the auction to be conducted.

(ii) If any higher amount is fetched in the auction, for payment of more amount than the fetched amount, the respective lessees will be granted extension of lease.

(iii) In case, the petitioners do not pay the amount or no body participated in the auction, the respective petitioners have to be vacated and it should be kept in lock and key.

3. When the matters were called today, Mr.Silambanan, learned senior counsel appearing for the 2nd respondent would submit that the petitioners are not ready to pay the amount and auction was conducted and there were no bidders. However, the petitioners agreed to pay the enhanced rent and they filed affidavits to that effect.

4. In view of the submission made by the learned senior counsel appearing for the 2nd respondent and the affidavits filed in support of these petitions, the petitioners are directed to make payment as per the enhanced monthly rent and also enhanced advance on or before 31.08.2016. On such payment, the 2nd respondent shall renew the license/lease agreement for the further period of three years.

With the above direction, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Municipal Administration and Water Supply
Fort St. George, Chennai - 600 009
2. The Commissioner,
Thiruppur Corporation
(Formerly Thirupur Municipality)
Thiruppur, Thirupur District.

+1cc to Mr.C.S.Dhanasekaran, Advocate Sr.47317

W.P.Nos.21116, 21118 and 21119 of 2016 and
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srg 09/09/2016

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