

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No. 22000 of 2016
&
W.M.P. No. 18810 of 2016

R.Senthil Babu

..Petitioner

Vs.

The Salem Corporation,
Rep.by its Assistant Commissioner,
Ammamet Ward Office,
Salem, Salem District.

..Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for records relating to the order of the respondent dated 05.04.2016 in Na.Ka.No.L8/676/2016 and quash the same and consequently direct the respondent to fix any reasonable rent for the petitioner's Shop No.14 situated at Periyar Perangadi Old Shops, Salem.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.S.Diwakar
Special Government Pleader

O R D E R

The petitioner is a lessee in respect of Shop No.14 measuring about 170 sq.ft. situated at Periyar Perangadi Old Shops, Salem, Salem District from 1997 onwards. He is carrying on business of Parcel Transport under the name and style of "Lingam Roadways" and business of Travels in the name of "M/s.Lingam Travels". The petitioner has been paying a sum of Rs.2,600/- as monthly rent. By notice dated 05.04.2016, the respondent Corporation fixed the rental value at Rs.26,300/- per month and demanded the said amount to continue the license/lease. The said order is being challenged before this Court.

2.This Court, by interim order dated 27.06.2016

permitted the Salem Corporation to go ahead with the auction, as the petitioner refused to pay the enhanced rental amount. However, subsequently, the petitioner paid the caution deposit of Rs.3,00,000/ [Rupees Three Lakhs Only] on 18.07.2016 and as regards the monthly rent, it is brought to the knowledge of this Court that the area occupied by the petitioner is only to an extent of 170 sq.ft. and not 263 sq.ft. and therefore, he seeks for reduction of the rental amount.

3.Considering the submission made by the learned counsel for the petitioner, the respondent Corporation shall measure the extent of the property of the petitioner and refix the monthly licence/lease amount, within a period of two weeks from the date of receipt of a copy of this order and on such re-determination, the petitioner shall pay the enhanced monthly rent to continue the lease/licence.

4. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv

To

The Assistant Commissioner,
Salem Corporation,
Ammamet Ward Office,
Salem, Salem District.

1 cc to Mr.K.Selvaraj, Advocate, sr.45996

W.P. NO. 22000 of 2016

nr co
kra 16.09.2016