

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. Nos.23002, 23004 & 23970 of 2016
and
WMP Nos.19718, 19719, 19722, 19723, 23508 & 23509 of 2016

1.S.Abdul Haleem Petitioner in WP No.23002/2016
2.Y.Ajimathulla Petitioner in WP No.23004/2016
3.S.Venkatakrishnan
4.M.Noor Mohamed
5.T.K.Veerabathiran
6.A.Ravichandran
7.N.Shanmugam
8.A.Suresh Anandan
9.R.Ravichandran
10.P.Moorthy
11.R.Ravichandran Petitioners in WP No.23970/2016

Vs.

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

2.The Commissioner of Municipal Administration,
Department of Municipal Administration and
Water Supply, Ezhilagam, Chennai.

3.The Commissioner,
Mettupalayam Municipality,
Mettupalayam, Coimbatore District. Respondents in all Wps

Prayer in WP No.23002/2016 : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the entire records connected with the proceedings of 3rd respondent's notice vide Na.Ka.No.780/2016/A1 dated 16.06.2016 and quash the same, consequently direct the 3rd respondent to renew the license for Bakery Shop situated at Shop No.39, Jawahar Bus Stand, Mettupalayam from 01.04.2015 to 31.03.2018 with enhancement rent in pursuant of 1st respondent's G.O.Ms.No.92 dated 03.07.2007.

Prayer in WP No.23004/2016 : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the entire records connected with the proceedings of 3rd respondent's notice vide Na.Ka.No.780/2016/A1 dated 16.06.2016 and quash the same, consequently direct the 3rd respondent to renew the license of petitioner's Cellphone sales and service shop situated at Shop No.56, Jawahar Bus Stand, Mettupalayam from 01.04.2015 to 31.03.2018 with enhancement rent in pursuant of 1st respondent's G.O.Ms.No.92 dated 03.07.2007.

Prayer in WP No.23970/2016 : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the entire records connected with the proceedings of 3rd respondent's notice vide Na.Ka.No.780/2016/A1 dated 16.06.2016 and quash the same, consequently direct the 3rd respondent to renew the license of petitioners' shops respectively whose are situated at Jawahar Bus Stand, Anna Daily Market at Mettupalayam from 01.04.2015 to 31.03.2018 with enhancement rent in pursuant of 1st respondent's G.O.Ms.No.92 dated 03.07.2007.

For Petitioner : Mr.P.Saravanan
in all WPs

For Respondents : Mr.P.V.Selvakumar
in all WPs Addl.Govt. Pleader for R2
Mr.A.S.Thambusamy for R3

COMMON ORDER

The petitioners are the lessees/license holders under the 3rd respondent, Mettupalayam Municipality. Since their lease period expires, the 3rd respondent enhanced the monthly rent, based on the market value. Since the lease amount has been increased in manifold, the petitioners approached this Court by way of these writ petitions challenging the said fixation as irrational.

2. When these matters are posted before this Court, by virtue of order dated 04.07.2016 & 12.07.2016, this Court permitted the third respondent to go ahead with the auction of the shops in respect of which the parties have not agreed to pay the enhanced rent, however, directed the respondents not to disturb the possession of the petitioners' premises, without the permission of this Court.

3. When the matters are taken up today for hearing, Mr.P.Saravanan, learned counsel for the petitioners would submit that as per the demand made by the 3rd respondent Municipality, the respective petitioners have agreed and also paid the enhanced

monthly rent as well as the caution deposit. The said fact is also admitted by the learned counsel appearing for the 3rd respondent. It is also submitted by the learned counsel for the petitioners that R.Ravichandran and A.Ravichendran (petitioners in WP No.23970 of 2016) who are license holders of Shop Nos.5 & 6, Anna Bus Stand respectively have agreed and also paid the enhanced monthly rent but seeks four weeks time for paying the balance caution deposit and also filed affidavits to that effect.

4. In view of the above fact that the respective petitioners have paid the enhanced monthly rent as well as the caution deposit and R.Ravichandran and A.Ravichendran have agreed to pay the balance of the caution deposit within a period of four weeks, as demanded by the 3rd respondent, the 3rd 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 shall also enter into lease agreements with the respective petitioners, based on the new lease amount. The petitioners who have not paid the balance of caution deposit are granted four (4) weeks time, from the date of receipt of a copy of this order, to pay the same to the 3rd respondent and shall also continue to pay the enhanced monthly rent regularly to the 3rd respondent for the lease period of three years.

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

rgr

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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

2.The Commissioner of Municipal Administration,
Department of Municipal Administration and
Water Supply, Ezhilagam, Chennai.

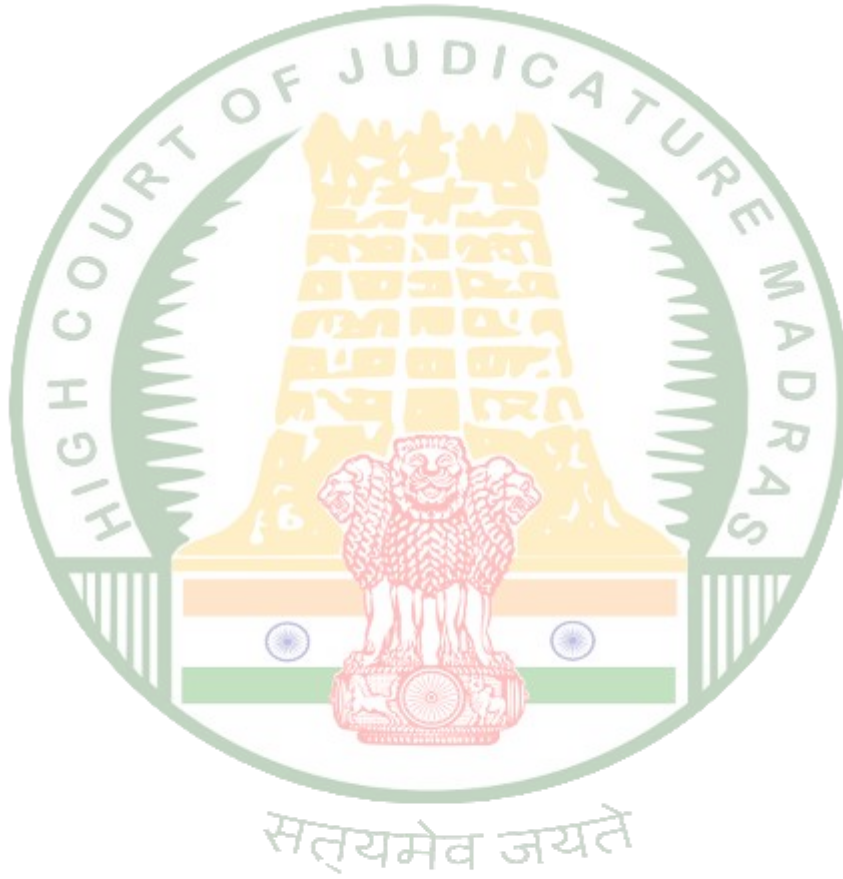
3.The Commissioner,
Mettupalayam Municipality,
Mettupalayam,
Coimbatore District.

+ 1 cc to Govt.Pleader SR 45228

+ 2 ccs to Mr.A.S.Thambusamy, Advocate SR 45636 & 45637

msm(co)
prk29/8

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