

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.23401 of 2016

and

WMP No.20063 of 2016

S.Jaffar Sathick

.. Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary to Government,
Municipal Administration and Water
Works Department
Fort St.George,
Chennai - 600 009.

2.The Commissioner
Municipal Administration and Water
Works Department
Ezhilagam, Chepauk
Chennai 600 005.

3.The Commissioner,
Mettupalayam Municipality,
Municipal Administration cum
Water Supply Department
Mettupalayam.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus to call upon the records pertaining to the proceedings of the third respondent in Na.Ka.No.780/2016/A1 dated 16.06.2016 and quash the same, consequently direct the respondents to permit the petitioner to run the shop by receiving the rent paid prior to 10.03.2013.

For Petitioner: Mr.Rajmakesh

For Respondents: Mrs.P.Kavitha
Government Advocate for RR1 & 2
Mr.A.S.Thambusamy for R3

ORDER

The petitioner is the lessee/license holder under the 3rd respondent, Mettupalayam Municipality. Since his lease period expired, the 3rd respondent enhanced the monthly rent, based on the market value. Since the lease amount has been increased in manifold, the petitioner approached this Court by way of this writ petition challenging the said fixation as irrational.

2. When this matter was posted before this Court, by virtue of order dated 06.07.2016, this Court permitted the third respondent to go ahead with the auction of the shop 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 petitioner's premises, without the permission of this Court.

3. When the matter is taken up today for hearing, Mr.S.Rajmakesh learned counsel for the petitioner would submit that as per the demand made by the 3rd respondent Municipality, the petitioner has agreed and also paid the enhanced monthly rent as well as the caution deposit. He has also filed an affidavit to that effect. The said fact is also admitted by the learned counsel appearing for the 3rd respondent.

4. In view of the above fact that the petitioner has paid the enhanced monthly rent as well as the caution deposit, as demanded by the 3rd respondent, the 3rd respondent is directed to extend the lease period in favour of the petitioner, 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 agreement with the petitioner and issue renewal orders, based on the new lease amount, within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall also continue to pay the enhanced monthly rent regularly to the 3rd respondent for the lease period of three years.

5. The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vj2

To

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

2.The Commissioner
Municipal Administration and Water
Works Department
Ezhilagam, Chempauk
Chennai 600 005.

3.The Commissioner,
Mettupalayam Municipality,
Municipal Administration cum
Water Supply Department
Mettupalayam.

+1cc to Mr.A.S. Thambuswamy, Advocate, S.R.No.45634

+1cc to the Government Pleader, S.R.No.45587

PA(CO)
EU(06/09/2016)

W.P. No.23401 of 2016

सत्यमेव जयते

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