

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.14097 of 2013
and M.P.No.1 of 2013

1.A.S.Sathiqbasha
2.Sakthivel Ganesh
3.V.T.Kadhiravan
4.Parvathy
5.S.Raja
6.B.Anandakumar
7.M.S.Govindasamy ... Petitioners

vs

The Assistant Commissioner
North Zone, Coimbatore Corporation,
Coimbatore. ... Respondent

Prayer. : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the respondent from fixing the lease rent in respect of the shops allotted to the petitioners at the market value and consequently direct the respondents to accept the enhanced lease rent at the rate of 15% as per G.O.Ms.No.92 MAWS Department dated 03.07.2007 on expiry of lease period.

For Petitioners : Mr.G.Sankaran

For Respondent : Mr.J.Sathyannarayana Prasad

O R D E R

The petitioner is the lessee under the respondent corporation. By the impugned order dated 21.05.2012, the respondent had enhanced the lease amount based on the market value. The grievance of the petitioners is that the petitioners are entitled for renewal of lease period automatically on an enhanced rent of 15% for the next three years upto period of nine years as per G.O.Ms.No.92 MAWS Department, dated 03.07.2007. Since the respondent has enhanced the rent on the existing market value, the present writ petition has been filed.

2. When the writ petition was taken up for hearing, the learned counsel appearing for the respondent would submit that pending the writ petition, the respondent had enhanced lease

amount by 15% for the period from 01.04.2012 to 31.03.2013 as well as the period commencing from 01.04.2012 to 31.03.2015. The learned counsel would further submit that since the grievance of the petitioners have been met, no further adjudication is required in the writ petition.

3. As evidenced from the averments made in the affidavit, the petitioners are only against the abnormal enhancement made in the impugned order. Now that the respondent has chosen to enhance the lease amount of 15% for further period of three years, no further adjudication is required in the writ petition.

4. Recording the submissions made by the learned counsel appearing for the respondent, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kkd

To

The Assistant Commissioner
North Zone, Coimbatore Corporation,
Coimbatore.

+1cc to Mr.J.Sathyanarayana Prasad, Advocate sr.71207

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rsy(co)
ss(18/01/2017)

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