

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 25131 of 2016
&
W.M.P. No. 21526 of 2016

Usharani

..Petitioner

Vs.

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

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call 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 a reasonable rent for shop No.D, Periyar Perangadi Old Shop, Salem, Salem District, in accordance with law.

For Petitioner :: Mr.M. Naresh Babu

For Respondent :: Mr.V. Ayyadurai,
Addl. Advocate General
assisted by
Mr.S. Diwakar,
Special Govt. Pleader

सत्यमेव जयते

O R D E R

The petitioner is a lessee in respect of Shop No.D, measuring about 50 sq.ft. situated at Periyar Perangadi Old Shops, Salem, Salem District, from 01.04.1990 onwards. The petitioner has been paying a sum of Rs.1100/- as monthly rent. While so, by notice dated 05.04.2016, the respondent Corporation fixed Rs.3 lakhs as caution deposit and the enhanced rent at Rs.20,000/- per month and demanded the said amount to continue the license/lease. The said order is being challenged before this Court.

2. Heard both sides.

3. This Court, by interim order dated 20.07.2016 permitted the Salem Corporation to go ahead with the auction, as the petitioner refused to pay the enhanced rental amount.

4. Today, when the writ petition is taken up, the learned counsel for the petitioner, would, submit that though the petitioner is now agreeable to pay the enhanced rent, the area occupied by the petitioner is only to an extent of 50 sq.ft. and even at the rate of Rs.100/- per sq.ft fixed by the respondent Corporation, at present, the monthly rent would come to Rs.5000/-, but, by the impugned notice, an exorbitant amount of Rs.20,000/- is demanded as monthly rent. Therefore, the learned counsel seeks for reduction of the rental amount.

5. In response to the above submission made by the learned counsel for the petitioner, Mr.V. Ayyadurai, learned Additional Advocate General would submit that the respondent Corporation will measure the extent of the property of the petitioner and accordingly, refix the monthly licence/lease amount, based on the extent.

6. In view of the above submission, the respondent Corporation is directed to 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 make the caution deposit, if not already deposited, and pay the enhanced monthly rent to continue the lease/licence.

7. The writ petition is disposed of with the above observation. No costs. Connected W.M.P. is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to M/S.K.S.Karthick, Advocte sr.50386

W.P. No. 25131 of 2016

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srg 23/09/2016



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