

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.26347 of 2016

and WMP No.22585 of 2016

1.B.Gogulakrishnan
2.E.Gopalakrishnan
3.M.Selvaraj
4.S.Habibulla
5.R.Kanagaraj
6.S.M.Mohammed Moideen
7.S.M.Mohammed Ali
8.H.Amanullah
9.P.A.Subramani

... Petitioners

Vs.

The Commissioner,
Mettupalayam Municipality,
Mettupalayam.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondent to extend the time in respect of the shop numbers - i) Shop No.25, Anna Shopping Complex, Bus Stand, Mettupalayam, ii) Shop No.8, Anna Shopping Complex, Ground Floor, Bus Stand, Mettupalayam, iii) Shop No.7 and 11, Anna Nalangadi, Anna Jirang Road, Mettupalayam, iv) Shop No.8, Anna Shopping Complex, First Floor, Bus Stand, Mettupalayam, v) Shop No.22, Anna Shopping Complex, Bus Stand, Mettupalayam, vi) Shop No.30, Anna Shopping Complex, Bus Stand, Mettupalayam, vii) Shop No.31, Anna Shopping Complex, Bus Stand, Mettupalayam, viii) Shop No.33, Anna Shopping Complex, Bus Stand, Mettupalayam, ix) Shop No.5, Anna Shopping Complex, Bus Stand, Mettupalayam.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.A.S.Thambusamy

O R D E R

The petitioners are the lessees/license holders under the respondent, Mettupalayam Municipality. Since their lease period expired, the respondent enhanced the monthly rent, based on the market value. Since the petitioners not agreed to pay the enhanced rent, the respondent decided to conduct auction of the property on 28.07.2016. In these circumstances, the petitioners have reconsidered their position and agreed to pay the enhanced rent and paid the caution deposit fixed by the respondent on 14.07.2016.

2. Since no steps have been taken by the respondent to renew the lease period, the petitioners have come before this Court by way of filing the writ petition seeking writ of mandamus directing the respondent to extend the lease period.

3. When this matter was posted before this Court, by virtue of order dated 27.07.2016, this Court directed the respondent not to go ahead with the auction in respect of the petitioners' shops until further orders.

4. When the matter is taken up today for hearing today, Mr.J.Frankllin, learned counsel for the petitioners would submit as per the demand made by the respondent Municipality, the petitioners have agreed and paid the enhanced monthly rent as well as the caution deposit. The said fact is also admitted by the learned counsel appearing for the respondent.

5. It is also brought to the notice of this court that the 7th petitioner viz. S.M.Mohammed Ali died. Hence, this writ petition is dismissed as abated in respect of the 7th petitioner alone. As far as the other petitioners are concerned, it is represented by both the learned counsel for the petitioners as well as the learned counsel appearing for the respondent that they have paid the enhanced monthly rent as well as the caution deposit fixed by the respondent, the respondent is directed to extend the lease period in favour of the 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 petitioners 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 petitioners shall continue to pay the enhanced monthly rent regularly to the respondent for the lease period of three years.

6. The writ petition is disposed of with the above observations. No costs. Consequently, connected W.M.P. is closed. This writ petition is dismissed as bated in respect of 7th petitioner alone.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

To

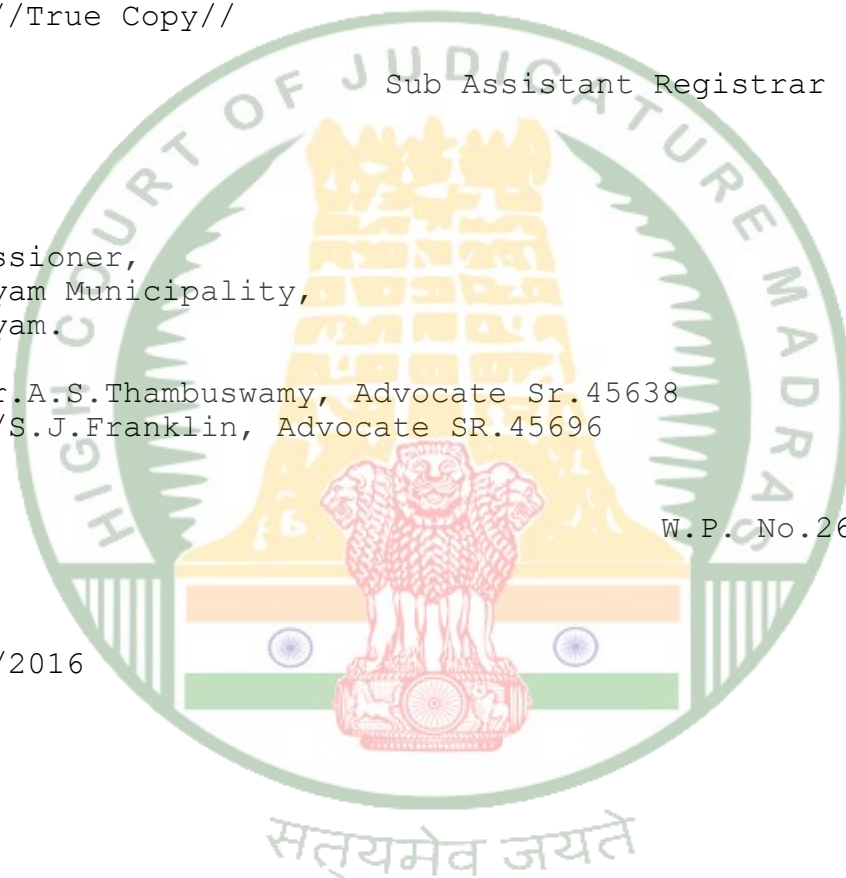
The Commissioner,
Mettupalayam Municipality,
Mettupalayam.

+1cc to Mr.A.S.Thambuswamy, Advocate Sr.45638

+1cc to M/S.J.Franklin, Advocate SR.45696

W.P. No.26347 of 2016

nm[co]
srg 02/09/2016



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