

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

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

W.P.Nos.15747 and 15748 of 2012
and M.P.Nos.1 and 1 of 2012

R.Omana .. Petitioner in W.P.No15747 of 2012

M.Palaniswamy .. Petitioner in W.P.No.15748 of 2012

vs

The Assistant Commissioner
North Zone, Coimbatore Corporation,
Coimbatore. .. Respondent in both W.Ps.

Prayer in both W.Ps. : Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to impugned order passed by the respondent in Na.Ka.No.1780/2012/A1 dated 21.05.2012 and quash the same insofar as fixing of lease rent on market rate basis and consequently direct the respondent 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 leave period.

For Petitioners (in both W.Ps) : Mr.G.Sankaran

For Respondent(in both W.Ps.) : Mr.K.Mahesh

C O M M O N O R D E R

The petitioners are the lessees 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 petitions have been filed.

2. When the writ petitions were taken up for hearing, the learned counsel appearing for the respondent would submit that pending the writ petitions, 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 petitions.

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 petitions.

4. Recording the submissions made by the learned counsel appearing for the respondent, these writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kkd

To

The Assistant Commissioner
North Zone, Coimbatore Corporation,
Coimbatore.

W.P.Nos.15747 and 15748 of 2012
and M.P.Nos.1 and 1 of 2012

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

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