

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Appeal Nos.1315 to 1322 of 2016 &
C.M.P.Nos.17138,17139,17140,17141,17142,17143,17144,17145,17146,
17147,17148,17149,17150,17151,17152 and 17153 of 2016

Saravanan	Appellant in WA No.1315 of 2016/Petitioner
K.R.K.Venkataraman	Appellant in WA No.1316 of 2016/Petitioner
R.Marimuthu	Appellant in WA No.1317 of 2016/Petitioner
J.Pradeepkumar	Appellant in WA No.1318 of 2016/Petitioner
K.Venkatesan	Appellant in WA No.1319 of 2016/petitioner
D.Kamala	Appellant in WA No.1320 of 2016/petitioner
D.Sugumar	Appellant in WA No.1321 of 2016/Petitioner
D.Kamala	Appellant in WA No.1322 of 2016/Petitioner

Versus

The Commissioner
Ammapettai Ward Office,
Corporation of Salem,
Salem

Salem District

... Respondent in all
the Writ Appeals

Appeals under Clause 15 of the Letters Patent filed against the interim order dated 27.9.2016 made in W.P.Nos.23804, 23805, 23806, 23807, 23808, 23810, 23811 and 23812 of 2016. WP.Nos.23804,23805,23806,23807,23808,23810,23811 and 23812 of 2016.

Petitions under Article 226 of the Constitution of India, to issue a Writ of certiorari in the nature of Writ Calling for the records an the file of the Respondent Corporation made in Na.ka.No.K1/4248/2015 dated 30.05.2016 for the K1/4248/2015 dated 30.05.2016 for the proposed enhancement of rent and deposit amount quash the same.

For Appellant : Mr.R.Hemalatha in all the Writ Appeals
For Respondent : Mr.V.Ayyadurai
Addl. Advocate General
Assisted by
Mr.S.Diwakar,
Standing Counsel for Respondent
in all the WA

COMMON JUDGMENT
(Delivered by Huluvadi G.Ramesh,J)

These writ appeals are directed against the interim order dated 27.9.2016 in W.P.Nos.23804, 23805, 23806, 23807, 23808, 23810, 23811 and 23812 of 2016, in and by which, the learned single Judge has passed the following:

"The Salem Corporation is directed to issue notice to the shop owners, who have not agreed to pay the amount fixed by the Salem Corporation, fixing the time to hand over the possession on or before 25.10.2016, failing which, they shall evict the shop on or before 28.10.2016, in terms of the judgment passed in W.A.Nos.889 of 2016 and 909 to 918 of 2016 dated 21.7.2016."

2. Heard the learned counsel for the appellants and the learned Additional Advocate General for the respondent.

3. In similar writ appeal (i.e.) W.A.No.1303 of 2016 preferred by one of the tenants, against the above said interim order, this Court, having taken note of the fact that the learned single Judge has passed the impugned interim order only

in terms of the order passed by this Court in W.A.Nos.909 to 918 of 2016, though declined to interfere with the interim order, however, disposed of the said writ appeal by order dated 25.10.2016 with the following observation.

" ... taking note of the fact that the appellant is in possession of shop for many years and taking into consideration the difficulty expressed by the appellant, we direct the respondent corporation to notify the shops in question for public auction, in which, the appellant is also at liberty to participate. In such auction, ultimately only the highest bidders will be allotted the shops on lease. In the event of the appellant becoming an unsuccessful bidder, he shall be given one month time from the date of auction, to vacate the shop and hand over the same, subject to an undertaking given by the appellant within one week from the date of auction, undertaking to vacate the shop and hand over the same within a period of one month from the date of auction. In the event of no person participating in the public auction, the respondent Corporation may lease out the shop to the existing leaseholder/appellant, after reconsidering the rent enhanced by them and fixing a reasonable rent."

Having regard to the above, this Court is of the view that the above said order will hold good as regards the present writ appeals also. Accordingly, the present writ appeals are disposed of on the above terms. There shall be no order as to costs. Consequently, the connected miscellaneous petition are closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1 The Commissioner
Ammapettai Ward Office,
Corporation of Salem,
Salem, Salem District

+1cc to Mr.S.Diwakai, Advocate, S.R.No.61384

ug (CO)

md(30/11/2016)

W.A.Nos.1315 to 1322 of 2016