

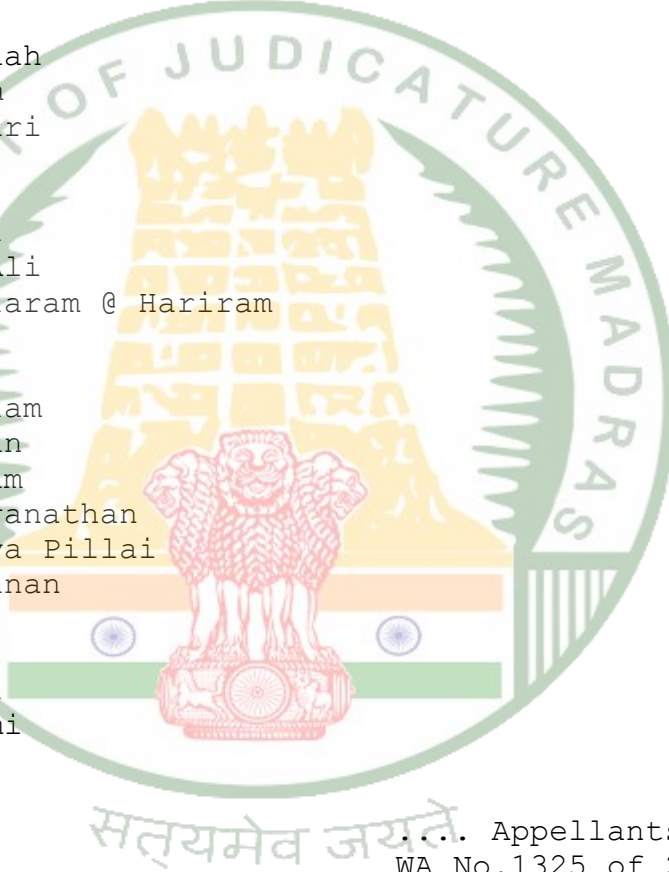
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Appeal Nos.1325 to 1328 of 2016 &
C.M.P.Nos.17171 to 17174 of 2016

1 Mr.Alkesh K.Shah
2 Mr.K.Shanmugam
3 Mrs.S.Devakumari
4 Mrs.N.Geetha
5 Mr.R.Sohanlal
6 Mr.R.Shantilal
7 Mr.K.Sowkath Ali
8 Mr.Haresh Dhalaram @ Hariram
9 Mr.D.Ganesan
10 Mr.A.Gopal
11 Mr.N.Subramaniam
12 Mr.Sowkhar Khan
13 Mr.P.Sivalingam
14 Mrs.Vijaya Loganathan
15 Mr.S.T.Suppayya Pillai
16 Mr.S.P.Manivannan
17 Mr.Kalil Khan
18 Mr.Pemaram
19 Mrs.M.Balamani
20 Mr.M.Palanisami
21 Mr.S.Suresh
22 Shanmugam
23 Mr.Jaganathan



..... Appellants in
WA No.1325 of 2016

1. D.Prakash
2 C.Ramana Reddy
3 Mohamed Farook
4 Kalai Selvi
5 Shajaputheen
6 G.Jaganathan
7 Janarthanan
8 K.P.Venkatachalam
9 S.P.Manickam
10 S.Abdul Karim

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11 B.Arulantham
12 T.Narayanasami
13 S.M.Pyarajohn
14 M.Baskar Raj
15 D.Ramamoorthy Naidu
16 S.Srinivasan
17 V.M.Raja
18 S.P.Iliyash
19 Samundeswaran

.... Appellants in
WA No.1326 of 2016

1. Salil Basha

.... Appellant in
WA No.1327 of 2016

1 C.Keraram
2 K.Subramaniam
3 K.R.Sadhasivam
4 D.Ganesan
5 Mr.Ratanlal
6 Jabar Ali
7 K.Duraisamy
8 P.Ganeshbabu
9 A.Mohanlal
10 R.Bhawarlal
11 S.Manickam
12 Anandhammal Jain
13 Dhanapal Govindasami
14 Vickram Thulasidas
15 R.Prabhu
16 M.Indher Singh
17 Bharath Jain
18 Muthurajan Sengoda Gounder
19 R.Babulal
20 R.Raju
21 M.Poonaram
22 Budh Singh Raj Purolhit
23 R.Mangilal
24 Alkesh K.Shah
25 J.Vikas Kumar
26 P.Vinod Kumar
27 N.Subramaniam & Co.
28 Sridhar Kamalasekar

.... Appellant in
WA No.1328 of 2016

Versus

1 State of Tamilnadu
Rep by its Secretary to Government,
Department of Municipal Administration
and Water Supplies

Secretariat, Fort St. George
Chennai-600 009.

2 The Commissioner,
Salem Municipality,
Office of Salem
Municipality (Revenue) Salem

3 The Assistant Commissioner
Office of Ammapettai Ward,
Salem Municipality,
Salem.

... Respondents 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.23251, 23428, 23320 and 23250 of 2016. Petitions praying to issue a writ of certiorarified Mandamus, call for the entire records pertaining to G.O.Ms. NO.92 Municipality Administration and Water Supply Department dated 3. 7.2007 issued by the first respondent and the consequential proceedings Na.Ka. NO.L8/ 676/ 16 dated 5.4.2016 issued by the third respondent and quash para-4 (iii) of the said G.O. Ms. No. 92 Municipality Administration and Water Supply Department dated 3.7.2007 and said consequential proceedings Na.Ka. No. L8/ 676/ 16 dated 5.4.2016 issued by the third respondent and direct the Respondents to continuously follow the existing procedure for fixing the rent as directed by the Honourable Supreme Court in the order dated 23.4.1991 passed in Civil Appeal No.1441- 1444/91.

For Appellant : Mr.P.Thiagarajan
For Respondent-1 : Mr.R.Prathap Kumar,
Addl.Govt. Advocate
For Respondents 2 & 3: Mr.V.Ayyadurai
Addl. Advocate General
Assisted by
Mr.S.Diwakar,
Standing Counsel

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.23251, 23428, 23320 and 23250 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 appellant and the learned Additional Government Pleader for respondent No.1 and the learned Additional Advocate General for the respondent Nos.2 and 3.

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 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

- 1 The Secretary to Government,
Government of Tamil Nadu
Department of Municipal Administration
and Water Supplies
Secretariat, Fort St. George
Chennai-600 009.
- 2 The Commissioner,
Salem Municipality,
Office of Salem
Municipality (Revenue) Salem
- 3 The Assistant Commissioner
Office of Ammapettai Ward,
Salem Municipality,
Salem.

+4cc to Mr. P. Thiagarajan, Advocate, S.R.Nos.61405,61413, 61403
and 61404

sai (CO)
md(01/12/2016)

सत्यमेव जयते

W.A.Nos.1325 to 1328 of 2016

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