

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.11.2016

CORAM

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

Writ Appeal Nos.1355 to 1358 of 2016 &
C.M.P.Nos.17428 to 17435 of 2016

N.Jayaraman	Appellant in WA No.1355 of 2016
Prithiviraj Chopra	Appellant in WA No.1356 of 2016
B.J.Janakiraman	Appellant in WA No.1357 of 2016
D.Kushwant	Appellant in WA No.1358 of 2016
vs.	
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.23813, 22631, 22635 and 22629 of 2016.

WP.No.22631, 22635 & 22629/16: Petitions praying to call for the records on the file of the respondent corporation in its impugned proceedings of the respondent made in Na.Ka.No.L8/676/16 dt.14.6.16 for the enhancement of rent and deposit amount quash the same and further direct the respondent corporation to conduct an enquiry after furnishing all the details which formed the basis for enhancement of rent and security deposit as per the impugned proceedings dated 14.06.2016.

WP.No.23813/16: Petitions praying to call for the records on the file of the respondent corporation in its impugned proceedings of the respondent made in Na.Ka.No.K1/4248/2015 dated 30.05.2016 for the proposed enhancement of rent and deposit amount quash the same.

For Appellants in Appeals: Mrs.R.Hemalatha
For Respondent for
all appeals : 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 made in W.P.Nos.23813, 22631 , 22635 and 22629 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 Standing counsel appearing for the respondent.

3. In a 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, while 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."

4. 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 petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To
The Commissioner,
Ammapettai Ward Office,
Corporation of Salem,
Salem, Salem District.

+1 cc to Mr.S.Diwakar,advocate,sr.64222

+1 cc to M/s.R.Hemalatha,advocate,sr.63220

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W.A.Nos.1355 to 1358 of 2016

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