

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.11.2016

CORAM

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

Writ Appeal Nos.1388 to 1394 of 2016 &
C.M.P.Nos.17924 to 17937 of 2016

N.Sathappan	Appellant in WA No.1388 of 2016/Petitioner
Rameshlal	Appellant in WA No.1389 of 2016/Petitioner
S.Elangium	Appellant in WA No.1390 of 2016/Petitioner
R.M.Veerappan	Appellant in WA No.1391 of 2016/Petitioner
C.Sumathi	Appellant in WA No.1392 of 2016/Petitioner
M.Selvam	Appellant in WA No.1393 of 2016/Petitioner
P.Venkatachalam	Appellant in WA No.1394 of 2016/Petitioner

The Commissioner,
Ammappettai Ward Office,
Corporation of Salem,
Salem, Salem District.

सत्यमेव जयते

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.22430, 22432, 22435, 22437, 22442, 24020 and 24019 of 2016 filed under Article 226 of the Constitution of India

WP.No.22430 of 2016 to issue a Writ of Certiorarified Mandamus Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the respondent made in Na.Ka.No. L8/676/2016 dated 14.06.2016 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.22432 of 2016:Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the respondent made in Na.Ka.No. L8/676/2016 dated 14.06.2016 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.22435 of 2016:
Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the respondent made in Na.Ka.No. L8/676/2016 dated 14.06.2016 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.22437 of 2016:Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the respondent made in Na.Ka.No. L8/676/2016 dated 14.06.2016 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.22442 of 2016:Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the respondent made in Na.Ka.No. L8/676/2016 dated 14.06.2016 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.24019 of 2016:Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the Respondent made in Na Ka No.L8/676/2016 dated 16.06.2016 for the enhancement of rent and deposit amount quash the same

WP.No.24020 of 2016:Calling for the records on the file of the Respondent Corporation in its impugned Proceedings of the Respondent made in Na Ka No.L8/676/2016 dated 16.06.2016 for the enhancement of rent and deposit amount quash the same

For Appellants : Mrs.R.Hemalatha(in all WAs)
For Respondent : Mr.S.Diwakar,
Standing Counsel(in all WAs)

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.22430, 22432, 22435, 22437, 22442, 24020 and 24019 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To

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

+1 cc to Mrs.R.Hemalatha Advocate sr 68949

+1 cc to Mr.S.Diwakar Advocate sr 69553

W.A.Nos. 1388 to 1394 of 2016

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