

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.12.2016

CORAM

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

Writ Appeal Nos.1416 to 1432 of 2016 &
C.M.P.Nos.18072 to 18104 of 2016

S.Raja ..Appellant in W.A.No.1416/2016
S. Chandrasekaran ..Appellant in W.A.No.1417/2016
M. Chandra ..Appellant in W.A.No.1418/2016
S. Venkatachalam ..Appellant in W.A.No.1419/2016
K. Jayakumar ..Appellant in W.A.No.1420/2016
K. Srinivasan ..Appellant in W.A.No.1421/2016
A. Abdulla ..Appellant in W.A.No.1422/2016
V. Senthilkumar ..Appellant in W.A.No.1423/2016
P. Dhanabhakya ..Appellant in W.A.No.1424/2016
B. Manikandan ..Appellant in W.A.No.1425/2016
B. Kumaresan ..Appellant in W.A.No.1426/2016
P. Arumugam ..Appellant in W.A.No.1427/2016
Muzeena Begam ..Appellant in W.A.No.1428/2016
B. Siraj ..Appellant in W.A.No.1429/2016
S. Periyasamy ..Appellant in W.A.No.1430/2016
V. Shankaran ..Appellant in W.A.No.1431/2016
P. Manickam ..Appellant in W.A.No.1432/2016

vs.

Assistant Commissioner,
Salem Corporation,
Ammapettai Ward Office,
Salem.

..Respondent in all the appeals

Writ appeals preferred under clause 15 of letters patent against the interim order of this in WMP.Nos.17526 of 2016 in WP.No.20424/2016, WMP.17528/16 in WP.20426/16, WMP.No.17532/16 in WP.20430 of 2016, 17985/16 in WP.21022/16, WMP.17986/16, in WP.21023/16, WP.17987/16, in WP.21024/16, WMP.19202/16, in WP.22512/16, WMP.19205/16, in WP.22515/16, WMP.No.20129/16, in WP.23456/16, WMP.No.17529/16, in WP.No.20427/16, WMP.No.17531/16, in WP.20429/16, WMP.No.20463/16, in WP.23847/16, WMP.17984 in WP.21021/16, WMP.17987/16, in WP.21025/16 WMP.No.20130/16, in WP.23457/16, WMP.20131/16, in WP.23458/16, and WMP.No.20152/16, in WP.23513/16, dated 27.09.2016.

WMP.Nos.17526/20216, 17528/2016, 17532/2016, 17985/2016, 17986/2016, 17987/2016, 19202/2016, 19205/2016, 20129/2016, 17529/2016, 17531/2016, 20463/2016, 17984/2016, 17987/2016, 20130/2016, 20131/2016, 20152/2016 petitioners presented to grant on order of interim stay of all further proceedings pursuant to the respondents impugned order in Na.Ka.No.L8/676/16 dated 05.04.2016 issued to the petitioner herein;

WMP.Nos.20224 of 2016, 20426/2016, 20430 of 2016, 21022/2016, 21023/16, 21024/16, 22512/16, 22515/2016, 23456/16, 20427/16, 20429/16, 23847/16, 21021/16, 21025/16, 23457/16, 23458/16, and WP.23513 of 2016 presented under Article 226 of the Constitution of India praying that in there Circumstances stated therein and in the respective affidavits filed therewith, the High Court will be pleased to issue writs of certiorari calling for the records of the respondents impugned order in Na.Ka.No.L8/676/2016 dated 5.4.2016 issued to the petitioner herein and quash the same.

For Appellants
in all the appeals : Mr.A.Devnarendran
For Respondent
in all the 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 passed made in W.P.No.20424 of 2016 and other various writ petitions, 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/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.

To

The Assistant Commissioner,
Salem Corporation,
Ammapettai Ward Office, Salem.

+ 2 ccs to Mr.Devnarendaran, Advocate SR.71481

W.A.Nos.1416 to 1432 of 2016

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