



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11690 of 2016
and W.M.P. (MD).8869 of 2016

M.Jayaprakash Narayanan

..Petitioner

vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Tirunelveli City Municipal Corporation,
Palayamkottai Zone,
Tirunelveli.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No. 003/A1/2016, dated 20.06.2016 and quash the same and directing respondents to enforce the previous order of the 2nd respondent in Na.Ka.No. A1/0003/2016, dated 02.02.2016 in respect of Maharajanagar Corporation Thirumana Mandapam, Thirunelveli.

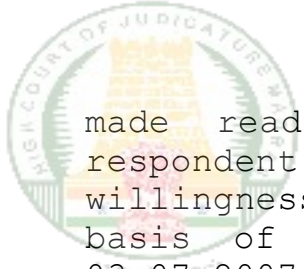
For Petitioner :Mr.G.R.Swaminathan
for Mr.S.B.Kamalanathan
For Respondents :Mr.Aayiram K Selvakumar
Government Advocate

ORDER

M.Jayaprakash Narayanan has brought this writ petition, challenging the impugned notice directing the petitioner to vacate and hand over the possession of Maharajangar Corporation Thirumana Mandapam, Tirunelveli, w.e.f. 02.07.2016, since the lease/licence period has come to end on the said date.

2. Heard both sides.

3. Mr.G.R.Swaminathan, learned counsel appearing for Mr.S.B.Kamalanathan learned counsel on record for the petitioner submitted that when the second respondent has issued a letter dated 02.02.2016 citing G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, asking him to confirm the revised lease amount from Rs.4,72,231/- to Rs.8,46,550/- for the period commencing from 03.07.2016 to 02.07.2019, the petitioner has also submitted a reply to the second respondent expressing his willingness for continuation of the licence and a Demand Draft for the said amount has also been



made ready. He would further submit that when the second respondent has already asked the petitioner to express his willingness to continue the lease for another three years, on the basis of highest amount as mentioned in G.O.Ms.No.92, dated 03.07.2007, they cannot once again issue the present impugned notice directing the petitioner to vacate the licenced premises and hand over the possession on 02.07.2016, therefore, the same is liable to be dismissed, he pleaded.

4. Mr.Aayiram K. Selvakumar, learned Government Advocate who takes notice for the respondents, by placing a letter dated 01.07.2016, before this Court, addressed to him by the Assistant Commissioner, Palayamkottai Zone, Tirunelveli Corporation, Tirunelveli, would submit that the case of the petitioner would be placed before the Corporation Council Meeting and a decision would be taken on merits, and after the Corporation Council takes a decision, the petitioner's confirmation of Licence will be announced.

5. In view of the submission made by the learned Government Advocate, this Court directs the respondents to maintain status quo till the decision is taken by the Corporation on the claim of the petitioner.

6. Demand Draft for the refixed lease amount taken by the petitioner could not be accepted by the respondents, till a decision is taken by the Corporation. However, the legal contentions made by the parties shall be kept open.

7. With the above direction this writ petition is disposed of. Consequently connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Tirunelveli City Municipal Corporation,
Palayamkottai Zone, Tirunelveli.

+1cc to M/s.Aayiram K.Selvakumar, Advocate in SR.34807

+1cc to M/s.J.Selvam, Advocate in SR.34579

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01.07.2016

pjl

PBK/NGM-MP/SAR-II 15/07/2016 ::2P-5C::