



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.12529 of 2016

and

W.M.P. (MD) .Nos.9471 and 9472 of 2016

D.Arunachalam

..Petitioner

Vs.

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

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

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned Auction/Tender Notice in Na.Ka.no.A1/0003/2015, dated 11.07.2016 issued by the first respondent and quash the same as illegal and consequently direct the respondents to renew the petitioner's lease for further period of 9 years as per the letter Na.Ka.No.A1-0003-2016, dated 02.02.2016 sent by the second respondent.

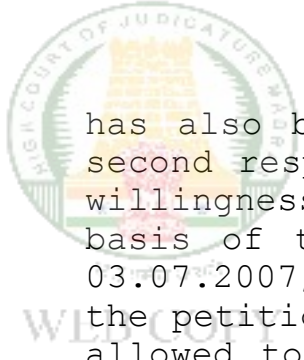
For petitioner : Mr.C.Arul Vadivel Alais Sekar
For Respondent : Mr.Aayiram K.Selvakumar
Government Advocate

O R D E R

Mr.D.Arunachalam, has brought this writ petition challenging the impugned notice directing the petitioner to vacate the Municipal Corporation Marriage Hall, since the lease/licence period has become to an end on the 02.07.2016.

2. Heard both sides.

3. Mr.Arul Vadivel Alais Sekar, learned counsel appearing for the petitioner would submit 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.4,65,388/- to Rs.8,32,788/- for the period commencing from 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 the highest amount as mentioned in G.O.Ms.No.92, dated 03.07.2007, and also entered into an agreement between himself and the petitioner, dated 02.07.2016, by which the petitioner has been allowed to pay Rs.81,364/- on or before fifth day of every month to continue the licence, till a final decision is taken by the Corporation Council, they cannot once again issue the present impugned notice directing the petitioner to vacate the licenced premises, therefore, the same is liable to be dismissed, he pleaded.

4. Learned counsel for the petitioner has further submitted that in a similar situation, this court has already passed an order in respect of Maharajangar Corporation Thirumana Mandapam, Tirunelveli, therein, learned Government Advocate appearing for the respondent has mentioned as follows;

"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 directed the respondent therein to maintain status quo till the decision is taken by the Corporation on the claim of the petitioner.

6. Similarly, in the present case, there was already an agreement between the parties till the petitioner pays a sum of Rs.81,364/- on or before fifth day of every month, he is permitted to continue the licence, therefore, this Court directs the respondents to maintain status quo as on date, till the final decision is taken by the Corporation Council.

7. With the above direction, this writ petition is disposed of. In the meanwhile it is open to the Corporation Council to pass a final resolution, on merits and in accordance with law, based on which the parties are directed to abide by the same. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar)CS-II)

/True Copy/



To

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

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

+lcc to M/s.C.Arul Vadivel @ Sekar, Advocate in SR.37338

+lcc to M/s.Aayiram K.Selvakumar, Advocate in SR.37381

W.P (MD) .No.12529 of 2016
18.07.2016

pjl

PBK/NGM-MP/SAR-II 19/07/2016 ::3P-5C:: (IT)