



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL**Writ Petition (MD). No.10778 of 2013****and****M.P. (MD) .Nos.1 & 2 of 2013**

M.Subramanian

... Petitioner

Vs.

1.Tiruchirappalli City Corporation
Bharathidasan Salai,
Cantonment,
Trichy-620 001.
Through its Commissioner.

2.Tiruchirappalli City Corporation
Srirangam Zone,
Gandhi Road,
Srirangam,
Trichy-620 006.

Through its Assistant Commissioner. ... Respondents

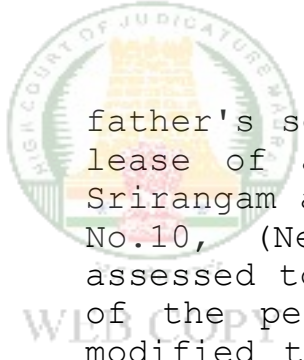
Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents herein to issue proper license to the petitioner to restore the water connection and collect rent for Golden Broiler and Tiffen Centre run at 10/2, Kandhayya Pillai Street, Srirangam and pass such further or other orders.

For Petitioner	:Mr.T.S.R.Venkataramana
For Respondents	:Mr.S.Kumar
	Addl. Government Pleader
	for Mr.N.S.Karthikeyan
	Addl. Government Pleader

O R D E R

Heard both sides.

2. According to the petitioner, his father was an employee of Srirangam Municipality (Since merged with the first respondent/Trichirappalli City Municipal Corporation). For his



father's service, after retirement in the year 1961, he was given lease of a vacant land in ward No.3, Kandhayya Pillai Street, Srirangam and a building was built by his father and assigned door No.10, (New No.2) Kandhayya Pillai Street, Srirangam and was assessed to building tax and assessment number is 9173. The stand of the petitioner is that after the demise of his father, he modified the building and converted into two shops and continued to pay the building tax and water tax till recently. He is in possession and enjoyment of the site for the well over 52 years. It appears that during the life time of petitioner's father, there was a disturbance of his possession from the respondents' predecessor and therefore, he filed an injunction suit in O.S.No.194 of 1973 on the file of the Learned IV Additional District Munsif Court, Trichy, seeking a relief of permanent injunction and ultimately, it was decreed. After the demise of his father, the petitioner continues to be in possession of the said property and he is running 'Golden Broiler' in one shop and also running a Tiffin Centre in the next shop.

3. The grievance of the petitioner is that because of the political pressure, there was a disturbance in his possession on 05.07.2000 and he filed a suit in O.S.No.876 of 2000 on the file of the II Additional District Munsif Court, Trichy on 17.07.2000. The said suit was decreed on 23.03.2008. Further the ground rent is Rs.1/- and he is ready to pay the reasonable rent for the land in question.

4. The Learned Counsel for the Petitioner represents before this Court that during the pendency of civil litigation, the respondents had refused to collect the ground tax, water tax or the licence fee for the Broiler and Tiffin Centre. After the decree being obtained, the petitioner requested the respondents to collect the rent, tax and fees and they were evading saying that they are taking the matter in appeal. In fact, no appeal was preferred for the last 5 years. Now, the respondents are not collecting the rent and issuing the proper receipt to the petitioner.

5. The Learned Counsel for the Petitioner submits that originally, the residence of the Commissioner of Srirangam Municipality was next to petitioner's shop, in which the petitioner runs his business and after the merger of the Srirangam Municipality with the Trichirappalli Corporation, the adjacent building became the residence of the Assistant Commissioner of the said Corporation. Over the years, the Officials had not liked to live next to a Broiler or Tiffin centre and this had resulted in filing of earlier suits. Also that the petitioner had sent an E.M.O for Rs.2,400/- being the payment towards all the current ~~sewerage and water charges~~ and fees. But the same was refused by the respondents. In fact, the respondents with *malafide* intention made an attempt to evict the petitioner from Door No.10/2,



Kandhayya Pillai Street, Srirangam and they had also removed the cement slab from the petitioner's drain and also put bush and thorns obstructing his access and also they have closed down his broiler shop and he is out of business.

6. The petitioner is of 70 years old and undoubtedly, he is a senior citizen. It is also represented before this Court that he suffers from short of hearing. His right to peaceful life and liberty is greatly affected by the high-handed action of the respondents and hence, the petitioner has filed the present writ petition seeking for passing of an order by this Court in directing the respondents to issue him proper licence, restore the water connection, collect rent to his Golden Broiler and Tiffin Centre, situate at door No.10/2, Kandhayya Pillai Street, Srirangam and to pass necessary orders.

7. Considering the fact that the petitioner is a senior citizen of 70 years age and also suffers from short of hearing and this Court, taking note of the fact that the petitioner in the writ petition only prays for issuance of proper licence and restoration of water connection and to collect rent to his Golden Broiler and Tiffin Centre, run at Door No.10/2, Kandhayya Pillai Street, Srirangam and taking note of the Civil Court's decree obtained by the petitioner in O.S.No.876 of 2000 on the file of the trial Court dated 28.03.2008 and also considering the attendant facts and circumstances of the present case, which floated on the surface, directs the respondents to immediately look into the case of the petitioner and to grant him the proper licence and restore water connection within a week's time from the date of receipt of a copy of this Order. In this connection, it is needless for this Court to make a significant mention that it is open to the respondents to collect ground rent from the petitioner in respect of the Golden Broiler and Tiffin Centre run at Door No.10/2, Kandhayya Pillai Street, Srirangam (since the petitioner has himself at paragraph No.3 of his writ affidavit had in a crystalline fashion admitted that the ground rent is Rs.1/- and he is ready to pay the reasonable rent for the land) and take necessary efforts in this regard as expeditiously as possible, in any event within a period of two weeks thereafter, considering the plight of the petitioner, who is a senior citizen and also suffers from short of hearing.

8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

Sub Assistant Registrar



vs

To

1. The Commissioner, Tiruchirappalli City Corporation
Bharathidasan Salai, Cantonment, Trichy-620 001.

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2. The Assistant Commissioner,
Tiruchirappalli City Corporation
Srirangam Zone, Gandhi Road, Srirangam,
Trichy-620 006.

+1CC to Mr.T.S.R.Venkat Ramana, Advocate Sr.No.35350

+1CC to Mr.N.S.Karthikeyan, Advocate Sr.No.35199

GJM/GSV/PM/18.7.16-4p-5c

Writ Petition (MD). No.10778 of 2013

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