

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.960 of 2016 and
CMP No.12323 of 2016

M/s.Salem Managratchi Nagara
Perunthu Nilaiya Kattida Vadagai
Kadaikarargal Nala Sangam
Rep. by its President - T.S.Sivalingam
No.6, Nagara Perunthu Nilayam
Salem 636 001, Salem District. ..Appellant/Petitioner

Vs

The Commissioner
Corporation of Salem
Salem, Salem District. ...Respondent/Respondent

Prayer:- Writ Appeal filed under clause 15 of Letters Patent, against the order made in W.P.No.24009 of 2016 dated 13.07.2016. Writ petition under Article 226 of the constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records on the file of the respondent corporation in its impugned proceedings of the respondent corporation made in Na.Ka.No.L8/676/2016 dated 30.05.2016 for the proposed enhancement of rent and deposit amount quash the same;

For Appellant : Mr.J.Prasanna Kumar for
Ms.R.Hemalatha

For Respondent : Mr.S.Diwakar

J U D G M E N T

K.K. SASIDHARAN, J.

The appellant filed a writ petition challenging the proceedings initiated by the Commissioner, Corporation of Salem for revision on the ground that the fee prescribed under the lease expired. The learned single Judge passed an equitable order to protect the possession of the appellant. The learned single Judge made it clear that in case, the appellant is not prepared to pay the enhanced amount, it is open to the respondent to go ahead with auction. Even after

saying so, the learned single Judge protected the possession of the appellant by indicating that the possession should not be disturbed without the permission of the Court. We are therefore of the view that the learned single Judge has taken care of the interest of the appellant pending disposal of the writ petition and as such, no interference is called for in the said order.

2. We are also informed that the writ petition is coming up for final disposal before the learned single Judge. In such circumstances, we do not find any reason to interfere with the order passed by the learned single Judge.

3. In the up shot, we dismiss the intra court appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

svki

To

The Commissioner
Corporation of Salem
Salem, Salem District.

+ 1 cc to M/s. R. Hemalatha, Advocate Sr.82288

सत्यमेव जयते W.A No.960 of 2016

VGII(CO)
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