



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 3841 of 2015

and

M.P (MD) No. 1 of 2015

Ganesan

... Petitioner

Vs.

The Executive Officer,
Vilathikulam Town Panchayat,
Vilathikulam,
Tuticorin District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the respondent herein in Na.Ka.No.99/2014 dated 02.01.2015 and quash the same.

For Petitioner : Mr.S.Natarajan
For Respondent : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking a Writ of Certiorari to quash the impugned notice of the respondent in Na.Ka.No.99/2014 dated 02.01.2015.

2.The petitioner, who was running a shop in old S.No.42, new S.No.548, was sought to be evicted by the respondent panchayat stating that they are the absolute owners. Earlier, a civil suit came to be filed and according to the petitioner, though his further appeals against the civil suit were dismissed, the findings of the Civil Court regarding the non-existence of the relationship between the landlord and tenant got confirmed. Whereas, the respondent, referring the judgment of the Civil Court and without bothering about such specific finding, has passed the impugned order, directing the petitioner to pay a sum of Rs.86,592/- towards arrears and aggrieved by the same, the petitioner is before this Court.



3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent.

4. On 29.08.2017, it was reported by the learned Counsel on either side, before this Court, that the petitioner had already paid a sum of Rs.25,000/- towards the arrears and therefore, this Court, on the said date, directed the petitioner to settle the remaining arrears without fail.

5. When the matter is taken up for hearing today (19.09.2017), it is represented by both the Counsel that the petitioner, as directed by this Court, has paid the entire arrears.

6. Under such circumstances, to give quietus to this issue, this Court is inclined to pass the following directions:

i) The respondent is directed to fix the rent payable by the petitioner, every month on par with the lease holders of the adjacent shop owners, by taking into consideration the extent of the space of the shop and communicate the same to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

ii) On receipt of the same, the petitioner is directed to give his consent regarding the rent amount, within a period of one week, thereafter.

iii) If the petitioner accepts the fixation made, the respondent is directed to execute necessary lease deed, within a period of two weeks, thereafter and in the event of the petitioner not willing to accept the same, it is for the respondent to take appropriate action in the manner known to law.

iv) Once documentation between the parties gets completed, the suit filed by the respondent, if any, shall be withdrawn.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/



To

The Executive Officer,
Vilathikulam Town Panchayat,
Vilathikulam,
Tuticorin District.

+ 1 CC TO MR.S.Natarajan, ADVOCATE IN SR No.79708

+ 1 CC TO MR.J.Gunaseelan Muthiah, ADVOCATE IN SR No.79522

gk

MK/JC/SAR-2/28.09.2017/3P/4C

W.P. (MD) No.3841 of 2015

and

M.P (MD) No.1 of 2015

19.09.2017