



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) Nos.13391 to 13397 and 13420 to 13422 of 2017andWMP(MD)Nos.10447 to 10453 of 2017 and 10492 to 10494 of 2017

D.Chellam	... Petitioner in WP(MD).No.13391/2017
J.Benjami Belisan	... Petitioner in WP(MD).No.13392/2017
D.Mahesh	... Petitioner in WP(MD).No.13393/2017
N.Murugan	... Petitioner in WP(MD).No.13394/2017
G.Sarasam	... Petitioner in WP(MD).No.13395/2017
M.Azhagesan	... Petitioner in WP(MD).No.13396/2017
M.Azhagesan	... Petitioner in WP(MD).No.13397/2017
E.Pushpam	... Petitioner in WP(MD).No.13420/2017
Sherina Sahul Hameed	... Petitioner in WP(MD).No.13421/2017
Sherina Sahul Hameed	... Petitioner in WP(MD).No.13422/2017

VS

1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001.

... Respondents in all WP's

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to renew the lease in respect of Shop Nos.18,13,11,12,15,16,17,14,19,20 respectively in Christopher Bus Stand, Vadasery, Nagercoil in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department dated 03.07.2007 and as per the proceedings in RC.No.1066/2015/A.4 dated 28.03.2017 on the file of the 1st respondent herein at the rate of Rs.11,200/- , Rs.20,520/- , Rs.17,768/- respectively per month with effect from 01.04.2016 in favour of the petitioner and upon such usual terms and conditions.

**In all WPs**

For Petitioners : Mr.S.Subbiah, Senior Counsel,
FOR Mr.S.R.Satham Boopathy
For R - 1 : Mr.J.Gunaseelan Muthiah
Government Advocate
For R - 2 : Mr.P.Athimoolapandian

C O M M O N O R D E R

The issue involved in all these writ petitions is one and the same and therefore, all these writ petitions are taken up together and disposed of by this common order.

2.The petitioners, in these writ petitions who are all lease holders of the second respondent Municipality, seek a direction to the second respondent to renew the lease in respect of their respective shops in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department dated 03.07.2007 and as per the proceedings in RC.No.1066/2015/A.4 dated 28.03.2017 on the file of the first respondent herein at the rate of Rs.11,200/-, Rs.20,520/- and Rs.17,768/- per month respectively, with effect from 01.04.2016 in favour of the petitioners.

3.Heard the learned Senior Counsel appearing for the petitioners, the learned Government Advocate for the first respondent and the learned counsel for the second respondent.

4.By the proceedings dated 28.03.2017, the first respondent suggested an increase of monthly rent upto 100 to 150% and directed the second respondent to issue necessary communication to the respective shop owners to pay the same. Such fixation is agreeable for the petitioners and while the petitioners are inclined to make necessary payment that is not accepted by the respondents.

5.Since fixation is not questioned, the respondents are duty bound to accept the same and permit the petitioners to run their business.

6.Under the said circumstances, the petitioners are directed to pay respective rent for their shops as per the proceedings dated 28.03.2017 without default. Arrears if any, shall be paid within a period of two weeks from the date of receipt of a copy of this order. On such payment, the respondents are directed not to cause any hindrance to the business activities of the petitioners and the second respondent is directed to consider the claim of the petitioners for renewal.



7. The writ petitions are disposed of with the above direction. No costs. Consequently, WMP(MD) Nos. 10447 to 10453 of 2017 and 10492 to 10494 of 2017 are closed.

Sd/-

Assistant Registrar (CS_III)

/True copy/

Sub Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil.

+ 10 CC TO MR.G.Aravinthan, ADVOCATE IN SR No. 82720 to 82729

+ 1 CC TO MR.P.Athimoolapandian, ADVOCATE IN SR No. 82682

+ 2 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82913, 82914

mj

MK/KK/SAR-2/31.10.2017/3P/16C

W.P(MD) Nos.13391 to 13397 and
13420 to 13422 of 2017
12.10.2017