



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)No.1393 of 2017andW.M.P(MD)No.1142 of 2017

M.P.Subbiah Doss

... Petitioner

Vs.

1.The Tirunelveli Municipal Corporation,
represented by its Commissioner,
Tirunelveli.

2.The Assistant Commissioner
Thatchanallur Region,
Tirunelveli Corporation,
Tirunelveli District.

... Respondents

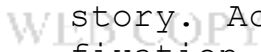
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the files of the second respondent pertaining to its order bearing Na.Ka.No.A/4610/2015 Tha.Va dated 26.12.2016 and to quash the same.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.Aayiram K.Selvakumar, Standing Counsel

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 26.12.2016, issued by the second respondent, by which, a direction was issued to the petitioner to clear all the arrears of rent along with other applicable charges, failing which, necessary action would be taken within seven days for auctioning the shops in question.

2. The case of the petitioner is that he is a tenant of shop No.13 of the respondent Municipality and has been paying the rent without arrears. All of a sudden, the Municipality had earlier issued a notice dated 04.01.2016, demanding to pay the enhanced monthly rent. Aggrieved by the same, the petitioner approached this Court by filing W.P(MD) No.15284 of 2016, wherein, on the basis of the submission made by the learned Standing Counsel for the respondent therein that the respondent is going to issue a fresh order impugned therein, with liberty to issue fresh notice to the petitioner, this Court closed the said writ petition on 18.08.2016 by recording the submission of the respondent. As



4. The learned Standing Counsel appearing for the respondents has not refuted the above contentions raised by the learned counsel for the petitioner.

5. Therefore, the respondents are directed to refund the excess amount, if any to the petitioner within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

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

2.The Assistant Commissioner
Thatchanallur Region,
Tirunelveli Corporation,
Tirunelveli District.

+1cc to M/S.Aayiram K.Selvakumar, Advocate SR.No.76580
+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 76483

W.P (MD) No.1393 of 2017
05.09.2017

rm