



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

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W.P. (MD) Nos. 13804 to 13807, 13819 & 13744 of 2017
and
W.M.P (MD) Nos. 10758 to 10762, 10794, 10795 and 10728 of 2017

N. Anand ... Petitioner in W.P (MD) Nos. 13804 to 13806/17
M. Kalyanasundaram ... Petitioner in W.P (MD) Nos. 13807 & 13819/17
M. Balagurusamy ... Petitioner in W.P (MD) No. 13744/17

Vs.

The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

... Respondent in all petitions

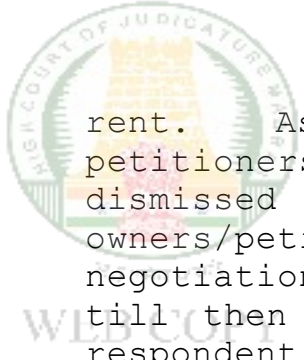
PRAYER: Writ Petitions have filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.5152/2017/F1 dated 12.07.2017 and the consequential Impugned order in Na.Ka.No.5152/2017/F1 dated 20.07.2017, passed by the respondent and quash the same as illegal and consequently directing the respondent to permit the petitioners to pay the enhanced rent fixed by the respondent in his proceedings dated 05.06.2017 and continue to run their respective shop Nos. 50, 58, 59, 57, 56, 54.

For Petitioners : Mr. M. Kannan (In all petitions)
For Respondent : Mr. P. Aathimoola Pandian
(In all petitions)

COMMON ORDER

These Writ petitions have been filed by the petitioners, seeking for a Writ of Certiorarified Mandamus, to quash the impugned order passed by the respondent in Na.Ka.No.5152/2017/F1 dated 12.07.2017 and the consequential order dated 20.07.2017 and to direct the respondent to permit the petitioners to pay the enhanced rent and continue to run their business in their respective shop Nos. 50, 54, 56, 57, 58, 59.

2. The case of the petitioners is that they were allotted shops owned by the Municipality in the New Bus Stand, Tenkasi, Tirunelveli District and they were in possession of the same for the past nine years. Thereafter, the authorities have given a communication that after nine years period, they have to re-fix the rent and accordingly, they formed a committee and enhanced the



rent. As the said enhanced rent is not agreeable by the petitioners, several writ petitions came to be filed, which were dismissed by this Court. Subsequent thereto, some of the shop owners/petitioners herein, approached the respondent and after a negotiation, the respondent agreed to re-calculate the rent and till then they agreed to collect the existing rent. Then the respondent re-fixed the rent amount. As the petitioners were not satisfied with the same, they challenged the same before this Court, which was also dismissed. Thereafter, the petitioners, without any option left out, agreed to pay the enhanced rent, as fixed by the respondent in his proceedings dated 05.06.2017 and they submitted a representation to that effect. But, in the meanwhile, the respondent issued the present impugned notice, directing the petitioners to vacate the shops and hand over the vacant possession. Aggrieved by which, the petitioners are before this Court, stating that the respondents, without considering their willingness to pay the enhanced rent, has passed the impugned notice.

3. Heard the learned counsel appearing on all sides.

4. The learned counsel for the petitioners submitted that the petitioners are inclined to pay the rent along with the arrears, at the rate of Rs.7000/- (Rupees seven thousand only) per month.

5. Under such circumstances, this Court, directs the petitioners to pay the rent along with the arrears, on and from 01.04.2016, at the rate of Rs.7000/- (Rupees seven thousand only) per month, within a period of two weeks from the date of receipt of a copy of this order. On such payment, the respondent is directed to execute necessary lease deeds to the petitioners. If any of the conditions, as directed by this Court, is violated by the petitioners, it is always open to the respondent to evict the petitioners forthwith.

6. These writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

7. Post these matters on 24.08.2017, for reporting compliance.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Tirunelveli Municipality,
Tenkasi,
Tirunelveli District.



+1cc to Mr.P.Athimoolapandian, Advocate, SR.70029

+6cc to Mr.M.Kannan, Advocate, SR.70310

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