



W.P(MD)Nos.14002, 14011, 14795, 14796 ,16864 & 17217 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 11.12.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.14002, 14011, 14795, 14796 ,16864 &
17217 of 2017 and
WMP(MD) Nos.11633, 13443, 13795,10949 & 10940 &
11634 of 2017

W.P(MD) Nos.14002 of 2017:

Syed Bawa

... Petitioner

Vs

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings pursuant to the Notice dated 30.06.2017 in Na.Ka.No.5236/2016/A1 of the respondent herein in respect of petitioner's shop premises, viz New Shop No.2, Kallukkatti East, Karaikudi, Sivagangai District and quash the same and consequently direct the respondent herein to renew the lease in respect of Shop No.2. Kallukkatti East, Karaikudi,



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Sivagangai District in favour of the petitioner.

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For Petitioners	:Mr.C.Mahadevan
For Respondent	:Mr.D.Venkatesh
	Standing Counsel

COMMON ORDER

The petitioners, who are the lessees under the Karaikudi Municipality have filed these writ petitions in the year 2017 as against the order of revising the rent by the respondent Municipality for the shops leased out to the petitioners.

2.The learned counsel appearing for the petitioners submits that the respondent Municipality has revised the rent of the shops leased out to the petitioners in the year 2017. In the impugned notice, dated 30.06.2017, it was stated that if the petitioners are not agreeable for the revised rent, they have to vacate the shops and hand over the possession to the respondent Municipality on or before 15.07.2017.



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3.Today(11.12.2023), when these writ petitions are taken up for hearing, the learned counsel on either side submit that the connected matters have already been decided by the Division Bench of this Court in WA(MD) Nos. 1058 to 1086 of 2017, dated 09.08.2017 and the relevant paragraphs are extracted as under:-

4. As rightly held by the learned Single Judge the appellants do not have any vested right and their period of licence already got over. They did not have any say in the fixation of rent. The rent fixed forms part of an offer. It is for the appellants to accept or to leave it. The auction is fixed tomorrow i.e., on 10.08.2017. Therefore, it is for the appellants to take part in the said auction. After all, the ultimate interest is that of the respondent, which is a public authority catering to the needs of general public. It is nothing but a commercial activity intended to augment more revenue. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeals are dismissed.



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5. *However, considering the facts and circumstances of the case, still the auctions are confirmed, the appellants are permitted to continue in the respective shops subject to payment of old rent along with arrears, if any. Liberty is given to the appellants to take part in the auction. No costs. Consequently, connected miscellaneous petitions are also closed.*

4. Since the similar issue has already been decided by the Division Bench of this Court, these writ petitions are closed on the above terms. No costs. Consequently, connected Miscellaneous petitions are closed.

11.12.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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To

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B.PUGALENDHI, J

vrn

Common Order made in
W.P(MD) Nos.14002, 14011, 14795, 14796 ,16864 &
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