



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.10095 of 2016

and

W.M.P (MD) No.7913 of 2016

R.R.Suryabaskar

.. Petitioner

Vs.

1. The Commissioner,
Trichy City Corporation,
Trichy.

2. The Assistant Commissioner,
Trichy City Corporation,
Ponmalai Zone, Trichy.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in Na.Ka.No.A1/2961/2016/Pon. Dated -.05.2016 relating shop No.5, Bharathiyar Salai, opposite to Thiruchirappalli Junction, Thiruchirappalli and quash the same as illegal and consequently direct the respondents herein to renew the lease period of the petitioner within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.N.S.Karthikeyan

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in Na.Ka.No.A1/2961/2016/Pon., dated 26.05.2016, in respect of Shop No.5, Bharathiyar Salai, opposite to Thiruchirappalli Junction, Thiruchirappalli and direct the respondents to renew the lease period of the petitioner within the time stipulated by this Court.



Corporation, situates in Bharathiyar Salai, opposite to Thiruchirappalli Junction, Thiruchirappalli, wherein he is running a hotel under the name and style of Guruprasad Hotel. On 30.10.2012, the second respondent issued notice in the name of the petitioner's erstwhile partner and directed to pay the arrears within a period of seven days and accordingly he paid the same. On 12.08.2013, the petitioner entered into a lease agreement in respect of the said shop for a period of three years. On 25.10.2013, the tenancy right in respect of the shop has been transferred to the petitioner. Thereafter, the second respondent, vide proceedings dated 01.10.2014, directed him to evict the premises, without assigning any reason. Challenging the same, he filed W.P(MD)No.17246 of 2014, wherein this Court directed the first respondent to consider the application submitted by the petitioner for extension of lease, if he is otherwise entitled to. Thereafter, he also submitted renewal application along with necessary fee. Without considering the said order, the second respondent issued the impugned order, directing him to vacate the shop within a period of seven days. Therefore, the petitioner is before this Court.

3.Heard both sides.

4.The learned counsel appearing for the petitioner would submit that the respondent Corporation without considering the order dated 21.03.2016, passed in W.P(MD)No.17246 of 2014, by this Court, has erroneously passed the impugned order and therefore the same is liable to be quashed.

5.Heard the learned counsel appearing for the respondent Corporation.

6.In the order dated 21.03.2016 passed in W.P(MD)No.17246 of 2014, this Court has specifically directed the first respondent to consider the application submitted recently by the petitioner for extension of lease, if he is otherwise entitled to and also made it clear that the impugned order dated 01.10.2014 has become infructuous in view of the fact that there was a stay and the petitioner was allowed to continue and he has also paid rent upto 31.03.2016. The said order dated 21.03.2016 has not been read properly and it has been wrongly understood by the second respondent, who passed the present impugned order and therefore the impugned order is liable to be set aside and accordingly the same is set aside and the first respondent is directed to consider the renewal application dated 23.03.2016 submitted by the petitioner and pass appropriate orders, as directed by this Court in W.P(MD)No.17246 of 2014 dated 21.03.2016, after affording due opportunity of hearing to the petitioner, within a period of four months from the date of receipt of a copy of this order.



7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Trichy City Corporation,
Trichy.
2. The Assistant Commissioner,
Trichy City Corporation,
Ponamalai Zone, Trichy.

+1cc to Mr.AL.Kannan, Advocate SR.No.68562

+1cc to Mr.N.S.Karthikeyan, Advocate SR.No.67845

SMN

VB/SV/AA/SAR1/02/08/2017/3P/5C

ORDER MADE IN
W.P (MD) No.10095 of 2016
and
W.M.P (MD) No.7913 of 2016
26.07.2017