



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.01.2017

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE K.RAVICHANDRABAABU**

W.P. (MD) Nos.15007, 15008, 22937

and

15750 to 15755 of 2016

and

Connected Miscellaneous Petitions

R.SELVI	... PETITIONER IN WP (MD) No.15007/2016
R.M.THANGADURAI	... Petitioner in WP (MD) No.15008/2016
S.FYROZ	... Petitioner in WP (MD) No.22937/2016
M.S.KANNAN	... Petitioner in WP (MD) No.15750/2016
U.KALIYAPERUMAL	... Petitioner in WP (MD) No.15751/2016
M.A.MOHAMMED IBRAHIM	... Petitioner in WP (MD) No.15752/2016
M.A.ABU BUCKER	... Petitioner in WP (MD) No.15753/2016
K.KANNAMMAL	... Petitioner in WP (MD) No.15754/2016
N.PANDIAN	... Petitioner in WP (MD) No.15755/2016

Vs.

THE MUNICIPALITY,
PUDUKOTTAI,
REP. BY ITS COMMISSIONER.

... RESPONDENT IN ALL WPs

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent made in Na.Ka.No.25973/2016/A4 dated 22.7.2016, quash the same as of no legal consequence and consequently forbear the respondent from evicting the petitioner from the property in Shop Nos.10,12,7,35,47,01,02,39,30 respectively Pudukottai Bus Stand for reasons of non-payment of the amount as demanded in the above proceedings and until such time the rent for the property is properly quantified and any demand for deposit is made in compliance with the provisions of the Government Order in G.O.Ms.No.92 dated 03.07.2007.

For Petitioner in all WPs : Mr.V.Singan

For Respondent in all WPs : Mr.P.Mahendran

COMMON ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
All these writ petitions are filed challenging the order dated 22.07.2016 enhancing the monthly lease amount in respect of the shops belonging to the respondent Municipality.



2. This Court, while ordering notice of motion in these writ petitions on 16.08.2016, granted interim stay of the impugned order imposing conditions as follows:-

"4. In view of the above, there shall be an order of interim stay of the impugned order subject to payment of the existing monthly rent plus 50% thereof and Rs.50,000/- viz., (Rs.1389+695-50,000), Rs.52,084/- each within one week from the date of receipt of a copy of this order."

3. Today when these matters are taken up for further hearing, the respondent filed a common counter affidavit, wherein it is stated at paragraphs 6 and 7 as follows:-

"6. It is further submitted that as stated above, after issuance of the said enhancement of rent proceedings made by this respondent dated 22.07.2016 and order passed by the Hon'ble Court as stated above, the Commissioner of Municipal Administration during the review meeting dated 13.08.2016 has discussed the issue of enhancement of rent of the shops held by the municipality throughout the Tamilnadu State. Accordingly, following such review meeting a report was prepared and along with the said report the Commissioner of Municipal Administration has sent his proceedings in Na.Ka.No.15316/2016/R3 dated 30.11.2016 wherein it was stated that committee shall be formed by each municipality for enhancement of rent in terms of the conditions mentioned in G.O.Ms.92, dated 03.11.2007 and in accordance with law by avoiding any loss of income to the municipalities. Further it is submitted that accordingly the Regional Director of Municipal Administration, Thanjavur has proceedings in Na.Ka.No.3929/2016/A2 dated 12.12.2016 whereby formed committee as per proceedings of the Commissioner of Municipal Administration dated 13.11.2016 including this respondent municipality.

7. It is submitted that in view of the above proceedings of Commissioner of Municipal Administration, now this respondent municipality has decided to withhold the proceedings issued by this respondent dated 22.07.2016 till such time the Review Committee would issue further directions with regard to enhancement of rents of the shops covered under this respondent municipality. It is further submitted that in view of the above circumstances, this respondent is collecting rents as on date and the amount of Rs.50,000/- paid by the writ petitioners is also kept pending with this respondent municipality and the same would be taken into account on the basis of the decisions taken more fully as per the procedures contemplated above and in terms of the G.O.Ms.92

dated 3.7.2007 and in accordance with law."

4. Therefore, the learned counsel appearing for the respondent municipality submitted that since the respondent municipality has decided to withhold the impugned proceedings till review committee takes a decision as stated supra, these writ petitions can be disposed of in the light of the above statement made by the respondent Municipality.

5. The above statement of the respondent municipality is recorded and all these writ petitions are disposed with liberty to the petitioners to agitate the matter afresh in case, if they are aggrieved against the decision of the review committee. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr. P. MAHENDRAN, ADVOCATE IN SR No. 3417

SKN

TE/CM-MSA : 09/02/2017 : 3P/2C

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