



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.15550 and 15551 of 2016

and

W.M.P(MD)Nos.11425 to 11428, 11850 and 11851 of 2016

K.N.P.Krishnan

.. Petitioner in  
W.P(MD)No.15550 of 2016

K.Mahendar

.. Petitioner in  
W.P(MD)No.15551 of 2016

Vs.

1.The Municipal Commissioner,  
Usilampatti Municipal, Usilampatti,  
Madurai District.

2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Madurai District, Madurai.

3.The Inspector of Police,  
Usilampatti Police Station,  
Usilampatti, Madurai District,  
Madurai.

.. Respondents in  
both W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent's impugned order No.339/1996A1, dated 09.08.2016 passed by the first respondent on the door of the petitioner's Shop Nos.5 and 4, respectively at JVVT, Usilampatti Bus Stand, Usilampatti Town, Madurai District and quash the same and consequently direct the respondents 2 and 3 to remove the seal and release the lock put up by the first respondent in Shop Nos.5 and 4, respectively by considering petitioners representation dated 13.08.2016.

For Petitioner : No appearance  
in both W.Ps.

For Respondent No.1 : Mr.K.Mahendran  
in both W.Ps.

For Respondents 2 and 3 : Mr.J.Gunaseelan Muthaiah,  
in both W.Ps. Government Advocate.

COMMON ORDER

These writ petitions are filed seeking a writ of Certiorari and Mandamus to quash the impugned order passed by the first respondent in No.339/1996A1, dated 09.08.2016 and direct the respondents 2 and 3 to remove the seal and release the lock put up by the first respondent in Shop Nos.4 and 5, based on the petitioners representation dated 13.08.2016.

2.The case of the petitioners is that Shop Nos.4 and 5 situate in JVVT, Usilampatti Bus Stand, have been leased out to the petitioners and they have paid monthly rent regularly. The petitioners asked the first respondent to reduce the monthly rent as per the guidelines of the Public Works Department, but he refused to do so. Therefore, they filed civil suits before the District Munsif Court, Usilampatti and during pendency of the same, the first respondent passed a Resolution fixing minimum monthly rent as per the orders of the Civil Court. Since, the first respondent failed to give effect to the resolution, the petitioners filed Execution Petitions in the civil Court, wherein a joint memo was filed agreeing to increase 15% to Rs.100/- every year from 1996 to 2005 and accordingly they paid a sum of Rs.46,536/- each to the first respondent. Thereafter, the first respondent refused to accept the rent as agreed in the execution proceeding and demanded additional rent. Therefore, the petitioners and other shop owners filed writ petitions and on the strength of the interim stay granted in the said petitions, they paid rent till November, 2011. They also paid rent for the period from 1996 to 2010 by cheques. Since they are regularly paying the monthly rent then and there, the first respondent sent a notice dated 05.04.2016 requesting to pay huge amount as arrears. When they approached the first respondent, the first respondent assured that he will wait till the final verdict of the civil suit. But, on 09.08.2016, at 11.30 a.m., the first respondent locked the shops and put seal on the lock and pasted the impugned notice in the door. Therefore, they sent detailed representations to the respondents on 13.08.2016. But the same have not been considered so far. Therefore, the petitioners are before this Court.

3.Since the issue involved in both these writ petitions, is one and the same, they are taken up for hearing together and disposed of by this common order.

4.There is no representation for the petitioners.

5.The learned counsel appearing for the first respondent submitted that subsequent auction has been conducted in respect of the shops and the question and lease deeds have been executed to the successful bidders and possession was also handed over to them and therefore nothing survives for adjudication in this matter.



6. Recording the same, these writ petitions are disposed of, as no further orders are required. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar

To

1. The Municipal Commissioner,  
Usilampatti Municipal, Usilampatti,  
Madurai District.
2. The Superintendent of Police,  
Office of the Superintendent of Police,  
Madurai District, Madurai.
3. The Inspector of Police,  
Usilampatti Police Station,  
Usilampatti, Madurai District,  
Madurai.

+1cc to Special Government Pleader, SR.No. 70962

COMMON ORDER MADE IN  
W.P(MD) Nos.15550 and 15551 of 2016  
and  
W.M.P(MD) Nos.11425 to 11428, 11850 and 11851 of 2016

SMN

JM/SKN RSK/SAR 4/16.08.2017/3P/5C