

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.539 of 2017****and****W.M.P(MD)Nos.431 and 432 of 2017**

N.Thangaraj

... Petitioner

Vs.

1. The Tirunelveli Municipal Corporation,
represented by its Commissioner,
Tirunelveli.

2. The Assistant Commissioner
Thatchanallur Region,
Tirunelveli Corporation,
Tirunelveli District.

... Respondents

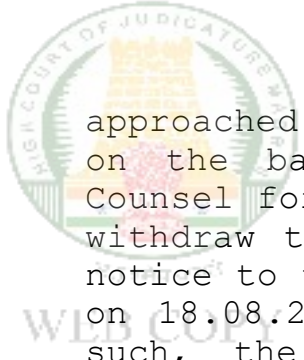
PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the files of the second respondent pertaining to its order bearing Na.Ka.No.A/3554/2015 dated Nil.12.2016 and to quash the same as illegal and unconstitutional.

For Petitioner	: Mr.R.Pon karthikeyan
For Respondents	: Mr.Aayiram K. Selvakumar, Standing Counsel

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated Nil.12.2016, issued by the second respondent, by which, a direction was issued to the petitioner to clear all the arrears of rent along with other applicable charges, failing which, necessary action would be taken within seven days for auctioning the shops in question.

2. The case of the petitioner is that he is a tenant of shop No.22 of the respondent Municipality and has been paying the rent without arrears. All of a sudden, the Municipality had earlier issued a notice dated Nil.12.2015, demanding to pay the enhanced monthly rent. Aggrieved by the same, the petitioner



approached this Court by filing W.P(MD) No.15281 of 2016, wherein, on the basis of the submission made by the learned Standing Counsel for the respondent therein that the respondent is going to withdraw the order impugned therein, with liberty to issue fresh notice to the petitioner, this Court closed the said writ petition on 18.08.2016 by recording the submission of the respondent. As such, the present impugned order came to be passed without considering the actual facts and aggrieved by the same, the petitioner has come before this Court with the above said prayer.

3. According to the learned Standing Counsel for the respondents the petitioner is in arrears of a sum of Rs.10,524/-, which is not stoutly refuted by the learned Counsel appearing for the petitioner and the petitioner also agrees to pay the same.

4. Under such circumstances, the arrears shall be paid by the petitioner within a period of two weeks from today and on receipt of the same, the respondents are directed to accept the same and permit the petitioner to continue to run the shop.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner,
The Tirunelveli Municipal Corporation,
Tirunelveli.
2. The Assistant Commissioner
Thatchanallur Region,
Tirunelveli Corporation,
Tirunelveli District.

+1cc to M/S. R.PON KARTHIKEYAN, Advocate, SR.No.76494.

+1cc to M/S. AAYIRAM K.SELVAKUMAR, Advocate, SR.No.76579.

W.P (MD) No.539 of 2017
05.09.2017