



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.20969 of 2016 and  
W.M.P. (MD) No.14968 of 2016

R.Kathirkaman

... Petitioner

**-vs-**1. The Special Officer,  
Assistant Director (Audit),  
Rajapalayam Municipality,  
Virudhunagar District.2. The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam,  
Virudhunagar District.

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the impugned order in Na.Ka.No.A1/947/15 dated 14.01.2016 and to quash the same as illegal and consequently direct the 2<sup>nd</sup> Respondent to adhere the earlier license in Na.Ka.No.978/2014.A1 dated 28.10.2014 and permit the Petitioner to pay the revised rent of Rs.4755/- till 30.09.2017 as per the order dated 28.10.2014.

|                    |                         |
|--------------------|-------------------------|
| For Petitioner ... | Mr.S.R.A.Ramachandran   |
| For R1 ...         | Mr.J.Gunaseelan Muthiah |
|                    | Govt. Advocate          |
| For R2 ...         | Mr.N.Dilip Kumar        |

**O R D E R**

This writ petition has been filed, seeking to quash the impugned order dated 14.01.2016 passed in Na.Ka.No.A1/947/15, by which, the petitioner was directed to pay the enhanced rent of Rs.25,000/- even during the existing license period between 01.10.2014 to 30.09.2017, by granting slight concession to continue to pay the old rent upto October, 2016. The petitioner also sought a direction to the 2<sup>nd</sup> Respondent to adhere to the earlier license in Na.Ka.No.978/2014.A1 dated 28.10.2014 and permit the petitioner to pay the revised rent of Rs.4755/- till 30.09.2017 as per the order dated 28.10.2014.



2. Heard the learned counsel for the parties.

3. When the matter was taken up for hearing, learned counsel for the 2<sup>nd</sup> respondent has fairly submitted that the impugned order dated 14.01.2016 may be set aside with liberty to the 2<sup>nd</sup> respondent to issue a fresh auction notice, after expiry of the present license period.

4. In view of the fairness shown by the 2<sup>nd</sup> respondent, this petition is allowed and the impugned order dated 14.01.2016 is set aside. However, it is made clear that if at all, the 2<sup>nd</sup> respondent wants to go for a fresh auction, it should be only after the current license period is over, i.e., 30.09.2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

**To:**

1. The Special Officer,  
Assistant Director (Audit),  
Rajapalayam Municipality,  
Virudhunagar District.

2. The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam,  
Virudhunagar District.

+ 1 CC TO Mr.S.R.A.RAMACHANDRAN, ADVOCATE IN SR No. 68898  
+ 1 CC TO Mr.N.DILIPKUMAR, ADVOCATE IN SR No. 68827

AR  
TE/KK/SAR-I : 08/08/2017 : 2P/5C

W.P (MD) No.20969 of 2016  
31.07.2017