

In the High Court of Judicature at Madras

Dated : 27.2.2018

Coram :

The Honourable Mr. Justice K.KALYANASUNDARAM

Writ Petition No.17844 of 2016 & WMP.No.15529 of 2016

D.Raja

...Petitioner

Vs

The Executive Officer, Selection
Grade Town Panchayat, Palacode
Town, Palakode-636808.
Dharmapuri District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka. No.100/2008/A1 dated 20.4.2016 on the file of the respondent, quash the same and further direct the respondent to accept rent with 15% increment.

For Petitioner :Mr.S.C.Vishwanth

For Respondent :Mr.S.V.Durai Solaimalai

ORDER

Heard both and perused the records.

2. The above writ petition has been filed challenging the increase of licence fee by the respondent.

3. The learned counsel for the petitioner submits that he is a licensee under the respondent, that in respect of other licensees also, the respondent increased the licence fee by 25% and that they agreed to pay the amount. According to the learned counsel, the petitioner is also ready to pay the enhanced lease amount within a time frame.

4. This Court already held that the Local Body has fixed the licence fee based on the report of the Fee Fixation Committee, that it is only an offer and that it is upto the licensees to accept the offer by paying the enhanced licence fee. Otherwise, the Local Body has been given liberty to bring the shops for public auction. In the case on hand, the petitioner has agreed to pay the enhanced licence fee claimed by the respondent.

5. Accordingly, the writ petition is disposed of with an observation that it is up to the petitioner to accept the offer given by the respondent within a period of one month and shall pay arrears, if any, within a period of two months. In case the

petitioner does not give consent for the payment of the enhanced amount within one month, the respondent is directed to take action for public auction forthwith. This Court holds that once the auction notification is published, the petitioner is deemed to have vacated the tenement and the respondent can enter the place with the help of police force, if required. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar

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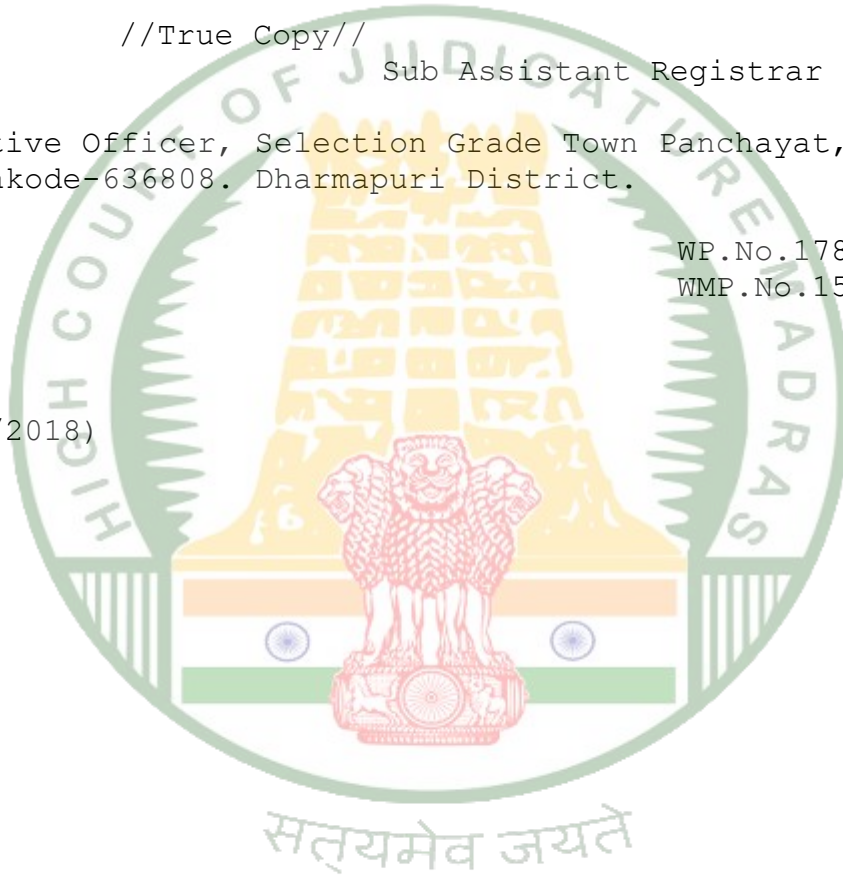
Sub Assistant Registrar

To

The Executive Officer, Selection Grade Town Panchayat, Palacode Town, Palakode-636808. Dharmapuri District.

WP.No.17844 of 2016&
WMP.No.15529 of 2016

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GSP (27/03/2018)



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