

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018
CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.24334 of 2015
and W.M.P.No.1 of 2015

P.Balakrushnan

.. Petitioner

Versus

The Assistant Commissioner,
Central Region,
Coimbatore Municipal Corporation,
Coimbatore -1.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the respondent in Na.Ka.No.4363/13/A1(M) dated 26.08.2014 to quash the same and consequently abstain the respondent from cancelling the licence No.2531810 granted to the petitioner.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.K.Natarajan

O R D E R

The petitioner has come up with the present Writ Petition challenging the demand of arrears of rent of the respondent Corporation dated 26.08.2015.

2. Heard Mr.C.Deivasigamani, learned counsel appearing for the petitioner and Mr.K.Natarajan, learned counsel appearing for the respondent.

3.The learned counsel for the petitioner submitted that pursuant to the auction notification issued by the respondent for leasing out Shop No.2, Ground Floor, Near Sivan Temple, Flower Bazaar, Mettupalayam road, Coimbatore 641 001, the petitioner participated in the auction and quoted Rs.60,500 per month. Since the petitioner offered highest amount, it was accepted. The respondent Corporation had passed a resolution No.170 on 17.12.2013 approving the name of the petitioner as the

licensee. The petitioner was directed to deposit Rs.7,52,975/- towards tender deposit and auction deposit and thereafter possession was handed over to the petitioner on 31.12.2013.

4. According to the learned counsel for the petitioner, the actual possession was handed over to the petitioner only on 15.03.2014 and the rent was arbitrary and unreasonable. In the counter filed by the respondent, it has been stated that the petitioner was the highest bidder and by a resolution the corporation approved his licence. Subsequently he was a defaulter in payment of the rental amount, hence this notice was issued.

5. After the petitioner having participated in the tender and accepted to pay monthly rent of Rs.60,500/-, now he cannot be permitted to content that the rent was arbitrary and unreasonable. It has been stated in the counter that the possession was handed over to the petitioner on 31.12.2013. So from that date he is liable to pay the agreed lease amount to the respondent corporation.

6. In view of the above mentioned facts and circumstances, I do not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

stm

To

The Assistant Commissioner,
Central Region,
Coimbatore Municipal Corporation,
Coimbatore -1.

+1cc to Mr.K.Natarajan, Advocate, S.R.No.2200
+1cc to Mr.C.Deivasigamani, Advocate, S.R.No.3242

W.P.No.24334 of 2015
and M.P.No.1 of 2015

SR(CO)
RRK(06/02/2018)