

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 27220 of 2012
and
W.M.P.s 2 & 3 of 2012

A.Jameel Ahmed

... Petitioner

Vs

1. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

2. The Assistant Commissioner,
Central Zone,
Corporation of Coimbatore,
Coimbatore.

3. Municipal Council,
Coimbatore Corporation,
Coimbatore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of CERTIORARIFIED MANDAMUS, call for the records of the 3rd respondent pertaining to Resolution No.190 dated 16.08.2012 and the consequential notice of the 2nd respondent having Ref.No.Na.Ka.No.6355/12/A2 (M), dated 12.09.2012 and quash the same and consequently direct the respondents to renew the lease period with the enhanced rate of 15% of the existing rent for the future block period of 3 years for Shop No.15 at Ward No.72, Dr.Nanjappa Road Commercial Complex, Central Zone, Coimbatore.

For Petitioner : Ms.C.Uma

For Respondents : Mr.S.Saravanan

O R D E R

This writ petition has been filed challenging the resolution passed by the 1st respondent and the consequential notice issued by the 2nd respondent.

2. According to the petitioner, he is a less in respect of commercial complex at Nanjappa Road, Central Zone, Coimbatore in respect of shop No.15. Now, as per the resolution passed by the 1st respondent sought for public auction to lease out the shop. Thereafter, the 2nd respondent also issued notice making an offer to the petitioner to pay the lease amount of Rs. 13,293/- for renewal of lease. According to the petitioner, the quantum fixed by the 2nd respondent is very high, and it is also not conformity with G.O.Ms.No.92, dated 03.07.2007. Hence, the present Writ Petition has been filed by the petitioner.

3. Mr.S.Saravanan, learned counsel appearing for the respondents submitted that already in a similar Writ Petitions filed by other lessees in W.P.Nos.27011 to 27015 of 2012 etc., this Court had passed a detailed order dated 25.06.2018 holding that as already an offer has been made to the petitioner, it is for the petitioner to accept the offer within a period of two weeks, otherwise, the respondents are directed to proceed with the auction.

4. I have considered the rival submissions and perused the relevant materials available on record carefully.

5. Admittedly, in a batch of Writ Petitions filed by the other lessees, in W.P. Nos.27011 to 27015 of 2012 etc., this Court by an order dated 25.06.2018 had held in para 16 as follows :-

"16. In that view, it is upto the petitioners to accept the offer given by the respondents, within a period of two weeks and shall pay arrears, if any, within a period of two months. In case, the petitioners do not give consent for the payment of the enhanced amount within two weeks, the respondents are directed to take action for public auction forthwith. This Court holds that once the auction notification is published, the petitioners are deemed to have vacated the tenement and the respondents can enter the place with the help of police force, if required."

In view of the order passed by this Court, now an offer has been made to the petitioner, it is for the petitioner to accept the offer made by the respondents. If the petitioner failed to accept the offer, it is open to the respondents to proceed with the auction. In the said circumstances, the petitioner is directed to give his offer within a period of two weeks, failing which, the respondents are at liberty to proceed with the auction.

6. With the above direction, the Writ Petition stands

disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Commissioner,
Corporation of Coimbatore,
Coimbatore.
2. The Assistant Commissioner,
Central Zone, Corporation of
Coimbatore, Coimbatore.
3. Municipal Council,
Coimbatore Corporation,
Coimbatore.

+1cc to Mr. C.Uma Advocate, S.R.No. 61192

+1cc to Mr. S.Saravanan, Advocate, S.R.No. 61368

W.P. 27220 of 2012
and
W.M.P.s 2 & 3 of 2012

RK (CO)
GN (04/10/2018)

सत्यमेव जयते
WEB COPY