

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.31868 and 31869 of 2002

RM.Palaniappan

...Petitioner in
W.P.No.31868 of 2002

M.Savarimuthu

...Petitioner in
W.P.No.31869 of 2002

-Vs-

The Commissioner
Karaikudi Municipality,
Karaikudi, Sivagangai District.

...Respondent in both
the writ petitions

Prayer in W.P.No.31868 of 2002 :-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent herein relating to the proceedings in Na.Ka.No.A1/874/2001, dated 05.11.2001 relating to Burma Repatriate Petty Shop No.1, Karaikudi and quash the same and forbear the respondent from demanding enhanced rent or security deposit from the petitioner.

Prayer in W.P.No.31869 of 2002:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent herein relating to the proceedings in Na.Ka.No.A1/874/2001, dated 05.11.2001 and Na.Ka.No. A1 / 874 / 2001, dated 03.01.2002 relating to Shop No.12, Rajaji Bus stand and quash the same and forbear the respondent from demanding enhanced rent or security deposit from the petitioner.

For Petitioners : Ms.Meena Rukmani
in both for Ms.AL.Gandhimathi

For Respondents : Mr.N.Subbarayalu
in both

COMMON ORDER

In these writ petitions, the prayer sought for are for issuance of writs of Certiorarified Mandamus calling for the records of the respondents herein relating to the proceedings in Na.Ka.No.A1/874/2001, dated 05.11.2001 relating to Burma Repatriate Petty Shop No.1, Karaikudi and quash the same and forbear the respondent from demanding enhanced rent or security deposit from the petitioner; and calling for the records of the respondent herein relating to the proceedings in Na.Ka.No.A1/874/2001, dated 05.11.2001 and Na.Ka.No. A1 / 874 / 2001, dated 03.01.2002 relating to Shop No.12, Rajaji Bus stand and quash the same and forbear the respondent from demanding enhanced rent or security deposit from the petitioner respectively.

2. By order, dated 05.11.2001, which is impugned herein, the rent / lease amount has been increased by the respondent Municipality against the petitioners. Challenging the same, both these writ petitions have been filed.

3. I have heard Ms.Meena Rukmani, learned counsel appearing for the petitioners as well as Mr.N.Subbarayulu, learned standing counsel appearing for the respondent Municipality.

4. I have perused the impugned orders, which discloses that the impugned order is the enhancement of rent or lease amount for the shops belongs to the respondent Municipality leased out to the petitioners. But the fact remains that the lease period itself is for three years starting from 01.04.2001 and ending on 31.03.2004. Since the lease period itself was over by 31.03.2004, i.e., 14 years back, nothing could be survived for further adjudication of the issue raised in these writ petitions and therefore these writ petitions are deserved to be dismissed on that ground alone.

5. In the result, both these writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tsvn

To

The Commissioner
Karaikudi Municipality,
Karaikudi, Sivagangai District.

+1cc to MRS.AL.Gandhimathi, Advocate, S.R.No.56529

W.P.Nos.31868 and 31869 of 2002

NRL (CO)
CS/05/09/18



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