

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.25933 of 2018
& W.M.P.Nos.30137 & 30139 of 2018

1. K.Settu
 2. M.Gopala Krishnan
 3. Nithyanandham
 4. Sulochana
 5. Balakrishnan
- ... Petitioners

Vs.

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai - 600 009.
 2. The Director of Municipal Administration,
Municipal Administration Department,
Ezhiliagam, Chepauk,
Chennai - 600 005.
 3. The Commissioner,
Thiruvathipuram Municipality,
Thiruvannamalai District.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned Order/Notices bearing Na.Ka.No.5664/16/A2, dated 31.03.2017 in respect of the Petitioners' Shop No's:14, 15, 25, 44, 46 and Shop No.49 at Thiruvanthiyapuram on the file of the 3rd respondent and quash the same.

For Petitioners : Mr.Saravanan Sathishkumar
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

The Writ Petition has been filed challenging the notice issued by the 3rd respondent Municipality for revising the license amount.

2. The grievance of the petitioners' is that all the petitioners are the licensee under the 3rd respondent Municipality. After expiry of 9 years lease period, as per G.O.M.S.No.92 (MA & WSD), dated 03.07.2007, the 3rd respondent Municipality revised the license amount, and made an offer to the petitioner. Now challenging that order the present Writ Petition has been filed.

3. Heard the learned Counsel for the petitioners as well as the respondents and perused the materials available on record.

4. The impugned order has been issued pursuant to G.O.M.S.No.92 (MA & WSD), dated 03.07.2007, after expiry of 9 years lease period. As per the above said Government Order, the license amount has been revised by a committee constituted by the Municipality.

5. Now the points raised by the petitioners are already decided by the Hon'ble Division Bench of this Court, in the case of M/s.Oriental Canvas Company, Rep. by its Proprietor Ramesh Kumar Jain and other Vs. The Assistant Revenue Officer, Zone-5, Greater Chennai Corporation, Chennai, dated 27.04.2018, and the petitioner cannot challenge the revision of the lease amount. Apart from that revision was done by a Committee so specifically and constituted for this purpose, after taking into consideration all the relevant circumstances.

6. In view of the same, the petitioner cannot challenge the order passed by the Municipality revising the lease amount. However, if the petitioners want to continue with the lease hold property it is open to them to accept the offer, otherwise, the Municipality is entitled to bring the shops for fresh auction as per G.O.M.S.No.92 (MA & WSD), dated 03.07.2007.

7. In the result, the Writ Petition is dismissed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

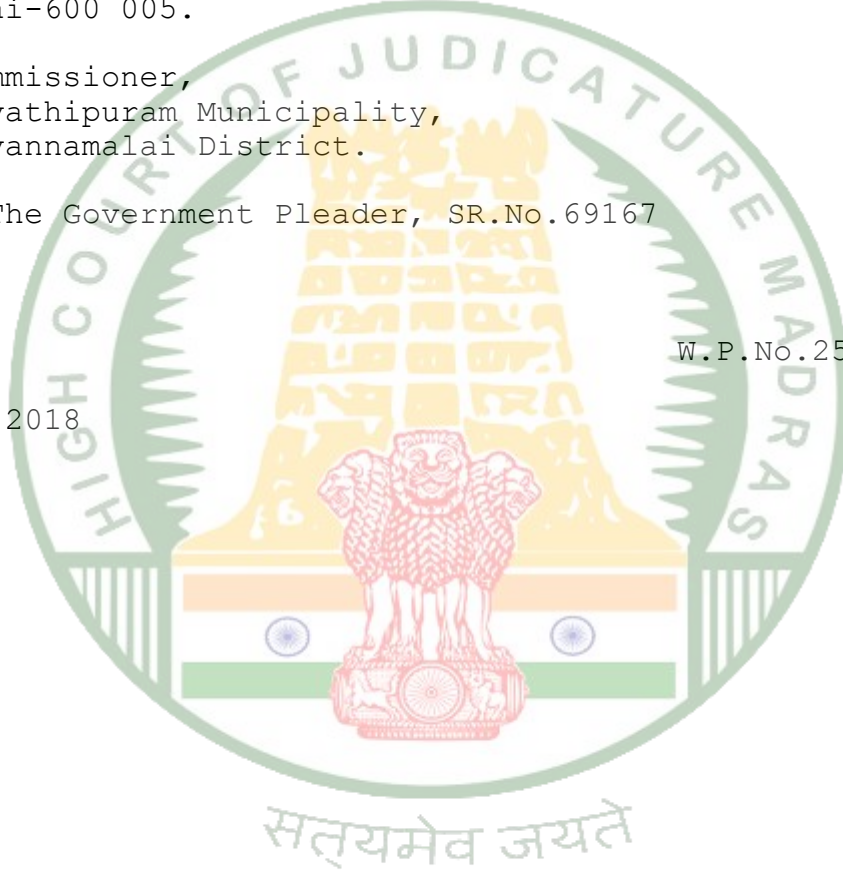
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To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-600 009.
 2. The Director of Municipal Administration,
Municipal Administration Department,
Ezhiliagam, Chepauk,
Chennai-600 005.
 3. The Commissioner,
Thiruvathipuram Municipality,
Thiruvannamalai District.
- +1 cc to The Government Pleader, SR.No.69167

PA (CO)
CSL/30.11.2018

W.P.No.25933 of 2018



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