



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.7224 to 7226 of 2018
and
W.M.P.(MD) Nos.6941 to 6943 of 2018

A.Thisaimani	...	Petitioner in W.P(MD).No.7224 of 2018
Gandhimathi	...	Petitioner in W.P(MD).No.7225 of 2018
N.Muthulakshmi	...	Petitioner in W.P(MD).No.7226 of 2018

vs.

The Commissioner, Theni Alli Nagaram Municipality, Theni.	...	Respondent in all Writ Petitions
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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent dated 29.03.2018 for revised annual lease amount from petitioner and all further proceedings pursuant thereto quash the same and consequently forbearing the respondent, his subordinates, officials and men from in any manner interfering with the peaceful running of business in Plot Nos.3, 1 and 2 of Weekly West Schandy, Theni Allinagararm, Theni.

For Petitioners : Mr.V.Janakiramulu
For Respondent : Mr.Hemakarthiskeyan
(In all Writ Petitions)

COMMON ORDER

Mr.Hemakarthiskeyan, learned counsel takes notice for the respondent in all the Writ Petitions.

2. By consent of both parties, these writ petitions themselves are taken up for final disposal at the stage of admission.

3. One of the main grounds in these Writ Petitions is that while the respondent had arbitrarily enhanced the annual lease amount, no opportunity was given to the petitioners. On a perusal of the final notices of demand of the enhancement for the year 2017-2018, there is no indication that the petitioners' objections were heard before taking any final decision and as such, the impugned



enhancement is violative of the principles of natural justice.

4. Hence, the impugned final notices dated 29.03.2018, revising the annual lease amount of the petitioners are set aside. Consequently, the respondent is at liberty to issue fresh show cause notice calling for the petitioners' objections on any contemplated enhancement of the lease amount. On receipt of such objections from the petitioners pursuant to the show cause notice, the respondent shall pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above observations, these Writ Petitions stand allowed. It is made clear that till final decisions are taken, the petitioners shall continue to pay the existing rent without fail. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Theni Alli Nagaram Municipality,
Theni.

+ 1 CC TO Mr.V.JANAKIRAMULU, ADVOCATE IN SR No. 62264
+ 1 CC TO Mr.K.HEMAKARTHIKEYAN, ADVOCATE IN SR No. 62128

TSG/LS
TE/RSK/SAR-2 : 07/05/2018 : 2P/4C

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