



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY  
AND  
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.A(MD)No.770 of 2018  
and  
C.M.P(MD)No.4555 of 2018

R.56, Rajapalayam Co-operative Milk Supply  
Society Ltd.,  
96, Kamarajar Nagar,  
Rajapalayam,  
Virudhunagar District,  
represented by its  
President.

... Appellant/Writ Petitioner

**Vs.**

The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam,  
Virudhunagar District.

... Respondent/Respondent

**PRAYER:** Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P(MD)No.10842 of 2017, dated 10.07.2017.

Prayer in WP(MD)No.10842 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice of the respondent passed in No.RCA1/947/15 dated 07.04.2017 increasing the rent of Rs.10,000/- from April 2016 onwards during the existing lease period, upto March 2018 and to quash the same and also direct the respondent to renew the lease only from the month of April 2018 as per the said G.O. and accordingly fix the reasonable increase the rent based upon the present rent amount after due process of law.

|                |                       |
|----------------|-----------------------|
| For Appellant  | : Mr.M.R.Sreenivasan  |
|                | for Mr.P.Chandra Bose |
| For Respondent | : Mr.N.Dilip Kumar    |

**JUDGMENT**

**[Judgment of the Court was delivered by M.DURAI SWAMY, J.]**

Challenging the order passed in W.P(MD)No.10842 of 2017, dated 10.07.2017, the appellant/writ petitioner filed the above writ appeal.

2. The learned Single Judge, by common order dated 10.07.2017, dismissed the writ petitions in W.P(MD)Nos.9333 to 9342 of 2017, etc., batch including the writ petition filed by the appellant/writ petitioner. The writ petitioners therein, who were unsuccessful before the learned Single Judge, filed the writ appeals in W.A(MD) Nos.1058 to 1086 of 2017 and the Division Bench of this Court, by its common judgment dated 09.08.2017, confirmed the common order passed by the learned Single Judge and dismissed the writ appeals. The Division Bench of this Court, considering the facts and circumstances of the case, if the auctions are not confirmed, gave liberty to the appellants/writ petitioners therein to continue in their respective shops subject to payment of old rent along with arrears, if any. Liberty was also given to the appellants/writ petitioners therein to take part in the auction.

3. When the Division Bench of this Court had already dismissed the writ appeals filed against the common order passed in W.P(MD) Nos.9333 to 9342 of 2017, etc., batch, we do not find any reason to entertain the present writ appeal challenging the very same common order passed by the learned Single Judge.

4. In view of the same, this writ appeal is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.P.CHANDRA BOSE, ADVOCATE IN SR No. 71997  
+ 1 CC TO Mr.N.DILIPKUMAR, ADVOCATE IN SR No. 72098

RSB

TE/SKN-RSK/SAR-2 : 17/07/2018 : 2P/3C

W.A(MD)No.770 of 2018 and  
C.M.P (MD)No.4555 of 2018  
09.07.2018