



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

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W.P.(MD) Nos.17913, 17914 and 2801 of 2018
and

W.M.P.(MD) Nos.15789,15790, 15791, 3243, 2964 and 2965 of 2018

W.P.(MD) No.17913 of 2018

Bharat Petroleum Corporation Ltd.,
represented by its Territory Manager,
TPK Road,
Madurai.

... Petitioner

vs.

Karaikudi Municipality,
represented by its Commissioner,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.5236/2016/A1 dated 23.04.2018 and quash the same insofar as the site situated in T.S.No.636 (part) at Subramaniapuram, Karaikudi in which retail outlet is running in the name of Jaihind filling station.

W.P.(MD) No.17914 of 2018

Bharat Petroleum Corporation Ltd.,
represented by its Territory Manager,
TPK Road,
Madurai.

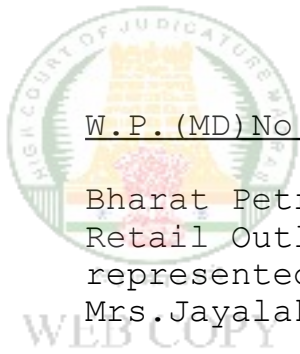
... Petitioner

vs.

Karaikudi Municipality,
represented by its Commissioner,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.5236/2016/A1 dated 23.04.2018 and quash the same insofar as the site situated in T.S.No.651, Chekkalai road, Karaikudi in which retail outlet is running in the name of Tamilan Agencies.



W.P. (MD) No. 2801 of 2018

Bharat Petroleum Corporation Limited,
Retail Outlet M/s Tamilan Agency,
represented by its Proprietor,
Mrs. Jayalakshmi.

... Petitioner

vs.

Karaikudi Municipality,
represented by its Commissioner,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration declaring the demand of enhanced exorbitant rent fixed by the respondent municipality for vacant site measuring 5,000sqft at Sekkalai Road, Karaikudi, Sivagangai District from Rs.46,083/- to Rs.2,20,100/- per month vide the proceedings in Na.Ka.No.5236/2016/A1, dated 22.01.2018 as unconstitutional.

For Petitioner

in two petitions : Mr.S.Natesh Raja,
WP (MD) No.17913&17914/2018
Mr.AL.KANNAN, WP (MD) No.2801/2018

For Respondent

: Mr. K.Chellapandian
Additional Advocate General
assisted by Mr.P.Mahendran

COMMON ORDER

All the writ petitions are taken up together in view of the common issues raised in the grounds of the writ petitions.

2. The issue is relating to the enhancement of rent in respect of the property leased out to the petitioner by the respondent Municipality. The petitioner Petroleum Corporation Ltd., appears to have been aggrieved by the rent fixed by the Municipality in respect of the lease properties from 01.07.2016.

3. When the writ petitions are taken up for hearing Mr.K.Chellapandian, learned Additional Advocate General appearing on behalf of the respondent Municipality would submit that the issue raised by the petitioner is squarely covered by two decisions of this Court rendered in W.P.(MD) Nos.17966 to 17968 of 2017, dated 21.09.2017 and in W.P.(MD) Nos.13993 to 14001 of 2017 etc., batch, dated 21.09.2017.



4. In the above batch of writ petitions, the learned Judge has disposed of all the writ petitions by giving the following directions:

"9. In view of the foregoing discussions and also taking into account the proceedings issued by the State dated 02.02.2009, the following directions are issued in these writ petitions:

i) the respondent Municipality is directed to provide a copy of the report of the Committee as well as the calculation sheet to the petitioners forthwith, if not already given;

ii) This Court, normally while granting interim orders, would uniformly direct the petitioners / lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter file their objections supported by whatever documents they have in their possession within a period of two weeks from the date of receipt of a copy of this order to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or refix the lease rent in accordance with law, within a period of two weeks thereafter.

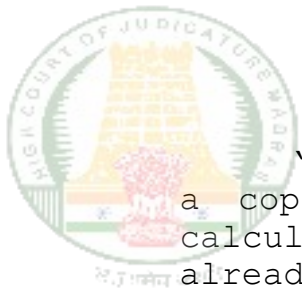
With the above directions, all these writ petitions are disposed. No costs. Consequently, connected miscellaneous petitions are closed."

5. The learned Judge has given the above direction in respect of Palani Municipality in one batch of writ petitions and in respect of Karaikudi Municipality in other batch of writ petitions.

6. The learned Additional Advocate General would submit that the cases on hand are also covered by the directions issued by the learned Judge of this Court in the above said batch of writ petitions.

7. The learned Counsel appearing for the petitioner would not seriously dispute that the issues covered by the earlier decision of this Court as stated by the learned Additional Advocate General.

8. In view of the admitted position, these writ petitions are disposed of by giving same directions as given in the aforesaid batch of writ petitions, which are as follows:



"i) the respondent Municipality is directed to provide a copy of the report of the Committee as well as the calculation sheet to the petitioners forthwith, if not already given;

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ii) This Court, normally while granting interim orders, would uniformly direct the petitioners / lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter file their objections supported by whatever documents they have in their possession within a period of two weeks from the date of receipt of a copy of this order to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or refix the lease rent in accordance with law, within a period of two weeks thereafter.

9. With the above directions, all the writ petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

+1CC to Mr.S.NATESHRAJA, Advocate, SR.No.84433
+1CC to Mr.A.L.KANNAN, Advocate, SR.No. 84285
+1CC to Mr.P.MAHENDRAN, Advocate, SR.No. 83482

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