

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.20424, 20427, 20430, 21022, 21023, 22856, 23457, 23458,
23693, 23734, 23846, 23847, 23848, 23861, 24009, 24529, 24531,
24532, 24534, 24545, 24546 and 24940/2016 etc. batch and
connected Miscellaneous Petitions

1 S.RAJA ... PETITIONER in WP No.20424 of 2016
1 B.MANIKANDAN ... PETITIONER in WP No.20427 of 2016
1 M.CHANDRA ... PETITIONER in WP No.20430 of 2016
1 S.VENKATACHALAM ... PETITIONER in WP No.21022 of 2016
1 K.JAYAKUMAR ... PETITIONER in WP No.21023 of 2016
1 A.ABDUL BASHIDH ... PETITIONER in WP No.22856 of 2016
2 S.S.MANIYAN
1 S.PERIYASAMY ... PETITIONER in WP No.23457 of 2016
1 V.SHANKARAN ... PETITIONER in WP No.23458 of 2016
1 N.M.ASSIA ... PETITIONER in WP No.23693 of 2016
1 T.K.KANDASAMY ... PETITIONER in WP No.23734 of 2016
1 K.MUHAMED MEERAN ... PETITIONER in WP No.23846 of 2016
1 P.ARUMUGAM ... PETITIONER in WP No.23847 of 2016
1 V.S.MANI ... PETITIONER in WP No.23848 of 2016
1 P.MYTHEEN KUTTY ... PETITIONER in WP No.23861 of 2016
1 SALEM MANAGARATCHI ... PETITIONER in WP No.24009 of 2016
NAGAR PERUNTHU NILAIYA KATTIDA VADAGAI
KADAIKARARGAL NALASANGAM (REGN.11/2008)
REP BY PRESIDENT T.S.SIVALINGAM 6
NAGARA PERUNTHU NILAYAM SALEM.
1 P.KUPPUSAMY ... PETITIONER in WP No.24529 of 2016

1 K.MUHAMED IBRAHIM ... PETITIONER in WP No.24531 of 2016
1 ATHTHVULLAKHAN ... PETITIONER in WP No.24532 of 2016
1 K.ARTHANARI ... PETITIONER in WP No.24534 of 2016
1 K.PALANISAMY ... PETITIONER in WP No.24545 of 2016
1 A.GOPAL ... PETITIONER in WP No.24546 of 2016
1 M.P.BADHUSHA MAIDEEN ... PETITIONER in WP No.24940 of 2016

Vs

1 ASSISTANT COMMISSIONER
SALEM CORPORATION AMMAPETTAI WARD OFFICE
SALEM ... RESPONDENT in WP No.20424 of 2016
1 ASSISTANT COMMISSIONER
SALEM CORPORATION AMMAPETTAI WARD OFFICE
SALEM ... RESPONDENT in WP Nos.20423, 20430,
21022, 21023/16, 23457, 23458, 23846 to
23848, 24545 & 24546 of 2016
1 THE SALEM MUNICIPAL
CORPORATION COUNCIL SALEM CORPORATION
SALEM REP. BY ITS MAYOR
2 THE COMMISSIONER
SALEM CORPORATION SALEM
3 THE ASSISTANT COMMISSIONER
AMMAPETTAI WARD OFFICE SALEM CORPORATION
SALEM ... RESPONDENT in WP No.22856 & 23861 of 2016
1 THE COMMISSIONER
SALEM CORPORATION
SALEM
2 THE ASSISTANT COMMISSIONER
(REVENUE) CENTRAL OFFICE SALEM CORPORATION
SALEM
3 THE ASSISTANT COMMISSIONER
AMMAPET WARD OFFICE SALEM
... RESPONDENT in WP No.23693 & 23734 of 2016
1 THE COMMISSIONER ... RESPONDENT in WP No.24009 of 2016
CORPORATION OF SALEM SALEM SALEM DISTRICT.

1 THE COMMISSIONER
CORPORATION OF SALEM SALEM SALEM DISTRICT

2 THE ASSISTANT COMMISSIONER
(I/C) SURAMANGALAM WARD OFFICE CORPORATION
OF SALEM SALEM SALEM DISTRICT

... RESPONDENTS in WP No.24529 of 2016
24531/16 & 24532/16 24534/16

1 THE COMMISSIONER ... RESPONDENT in WP No.24940 of 2016
CORPORATION OF SALEM
SALEM SALEM DISTRICT

2 THE ASSISTANT COMMISSIONER
(I/C) AMMAPETTAI WARD OFFICE CORPORATION
OF SALEM SALEM SALEM DISTRICT

Writ Petitions filed under article 226 of the constitution of
India praying this court to issue a writ of certiorari

WP No.20424, 20427, 20430, 21022,21023, 23457, 23458, 23693,
23734, 23846 to 23848, 23861/16 of 2016: calling for the
records of the respondents impugned order in Na. Ka. No.
L8/676/16 dated 5.4.2016 issued to the petitioner herein and
quash the same.

WP No.22856 of 2016:

To call for the records relating to the impugned Resolution
passed by the 1st respondent in Resolution No.304 dated
22.02.2016 and to quash the same and consequently directing the
Respondents to pass appropriate orders for revision of lease for
the shops allotted to the petitioners of Periyar Perangadi and
Old Bus Stand, Salem respectively by following the procedure
established by law in strict implementation to G.O.Ms.No. 92
Municipal Administration & Water Supply (MA 4) Department dated
03.07.2007 after affording reasonable opportunity to the
petitioners.

WP No.24009 of 2016:

Calling for the records on the file of the respondent
corporation in its impugned proceedings of the respondent
corporation made in Na.Ka.No.L8/676/2016 dated 30.05.2016 for
the proposed enhancement of rent and deposit amount quash the
same

WP Nos.24529 of 2016, 24531/16 & 24532/16:

forbearing the respondent, men or agent or representatives from
in any manner interfering with the peaceful possession of the
petitioner in Shop No.10, 3 & 5 respectively Thangal Manai
Front Side Shop, Salem 636 001 pursuant to the proceedings of

the 2nd respondent Corporation made in Na. Ka. No. L8/676/16 dated 5.4.2016

WP No.24534 of 2016

forbearing the respondent, men or agent or representatives from in any manner interfering with the peaceful possession of the petitioner in Shop No.15, Kalarampatti Road Shop, Salem 636 015 pursuant to the proceedings of the 2nd respondent Corporation made in Na. Ka. No. L8/676/16 dated 5.4.2016

WP Nos.24545 of 2016 & 24546/16:

Calling for the records relating to the order of the respondent dated 05.04.2016 in Na.Ka.No. L8/676/16 and quash the same and consequently direct the respondent to fix any reasonable rent for the petitioner Shop Nos. 8 and 6 respectively situated at Old Bus Stand Building, Salem Corporation Building, Salem

WP No.24940 of 2016

forbearing the respondent men or agent or representatives from in any manner interfering with the peaceful possession of the petitioner in Shop No.6, Bus Stand North West Shop, Salem pursuant to the proceedings of the 2nd respondent corporation made in Na.Ka.No.L8/676/16 dated 4.7.2016.

For Petitioner : Mr.A.Devnarenderan

(WP.No. 20424, 20427, 20430, 21022, 21023, 23457, 23458, 23846, 23847 & 23848 of 2016)

M/s.R.Hemalatha

(WP.Nos. 24009, 24529, 24531, 24532, 24534 & 24940 of 2016)

M/s.K.Selvaraj

(WP.Nos.24545 and 24546 of 2016)

M/s.R.N.Amarnath

(WP.No. 22856 of 2016)

No representation

(WP. Nos. 23693, 23734 & 23861 of 2016)

For Respondent :

Mrs.K.Bhuvaneswari

(WP.Nos.20424, 20427, 20430, 23457, 23458, 23846, 23847, 23848, 24545, 24546 and 24940 of 2016 For R1 & R2)

M/s.S.Sathish

(WP.No. 21022, 21023, 22856
(R1 to R3, 23693 (R1 to R3), 23734
(R1 to R3), 23693 (R1 to R3), 24009,
24529 (R1 & R2), 24529 (R1 & R2)
24532 (R1 & R2) and 24534 (R1 & R2) of
2016

C O M M O N O R D E R

All the above Writ Petitions have been filed questioning the correctness of the impugned notice issued by the Assistant Commissioner of Ammapettai Ward Office and Suramangalam Ward Office, Salem Corporation, Salem, thereby calling upon the petitioners to pay the enhanced rents to the shops-in-question which were reassessed as per the market value prevailing at that time and also the Security Deposit of Rs.3,00,000/-.

2. When the above matters were called today, on getting instructions from Mr.D.Elango, Junior Assistant, Ammapet Zone, Salem Corporation and Mr.C.Nagarajan, Suramangalam, Salem Corporation, who are present before the Court, the learned Standing Counsel for the respondent submitted that the prayer in the above writ petitions have already become infructuous since the shops-in-questions were demolished and all the petitioners herein were given alternate shops. The said statement is recorded.

3. At this stage, the learned Standing Counsel for the respondent submitted that G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 states that there will be 15% increase in the lease amount on completion of every 3 years, the said amount can be collected. In reply, it is submitted that some of the writ petitioners have given representations in this regard, therefore, the respondent is at liberty to consider the same. Liberty is granted to consider the representations filed by the parties on merits.

4. With these observations, the Writ Petitions stand closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

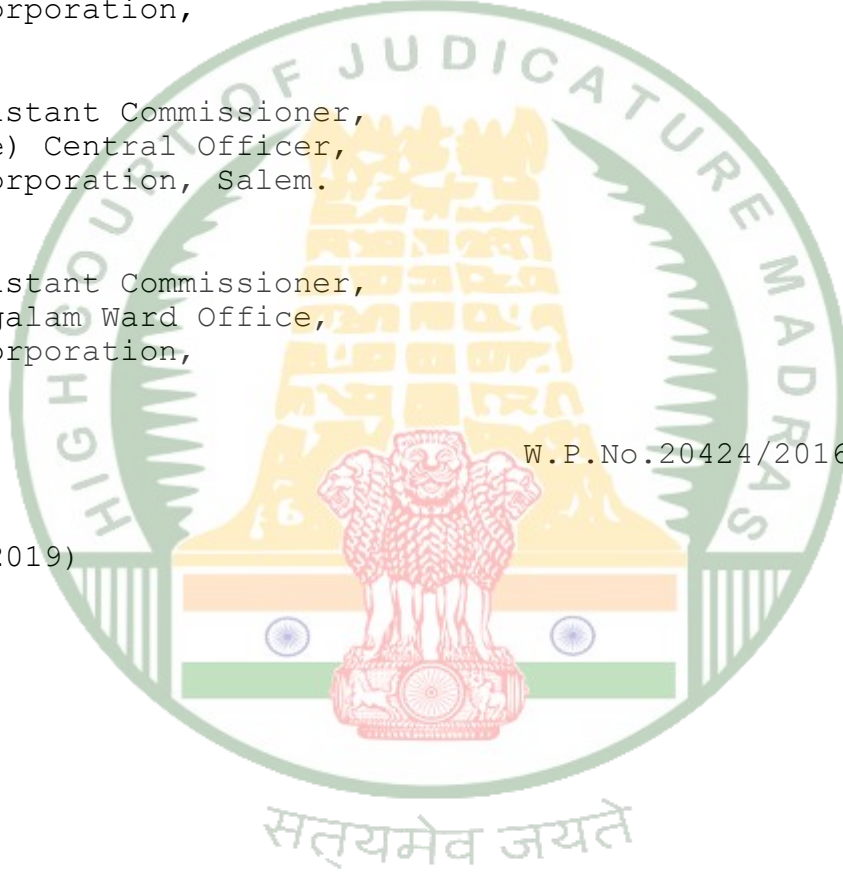
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To

1. Assistant Commissioner,
Salem Corporation,
Ammapettai Ward Office,
Salem.
2. The Mayor,
The Salem Municipal Corporation Council,
Salem.
3. The Commissioner,
Salem Corporation,
Salem.
4. The Assistant Commissioner,
(Revenue) Central Officer,
Salem Corporation, Salem.
5. The Assistant Commissioner,
Suramangalam Ward Office,
Salem Corporation,
Salem.

W.P.No.20424/2016 etc. batch

CP(CO)
GN(14/11/2019)



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