

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.15294 OF 2019

AND

W.M.P.NO.15287 OF 2019

A.Abdul Salam

...Petitioner

Versus

The Commissioner,
Salem Corporation,
Fort Main Road,
Salem - 636 007.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to carry out the correction in measurement of shop no.2, located in North West Shops, Near Old Bus Stand, Periya Maariyamman Kovil Street, Salem allotted to the petitioner by considering his representation dated 05.04.2019.

For Petitioner : Mr.A.Saravanan

For Respondent : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondent.

2.The petitioner herein is a lessee under the respondent. As per the resolution of the respondent, he was paying monthly lease amount of Rs.996/- and made a caution deposit of Rs.3,00,000/- in the year 2016. Thereafter, the rent was increased to Rs.19,950/-. Later by resolution dated 09.09.2016 the caution deposit was reduced from Rs.3,00,000/- to Rs.2,00,000/-. The rent was also refixed at Rs,7,500/-. Aggrieved by the rent revision and refusal to renew the lease, for the further period of three years, the petitioner has approached this Court.

3.At the time of admission, this Court has passed interim order directing the petitioner to pay a sum of Rs.1,88,050/- towards arrears.

4.The case of the petitioner is that, he is in possession of 100 sq.ft of shop whereas, the respondent corporation has raised demand for 265 sq.ft of land and refixed the rent at the rate of Rs.23,000/- per month. His request to the authorities/respondent on 29.09.2011 was not considered by the respondent and shop was sealed by the respondent on 18.12.2018.

5.The respondent's counter stated that the petitioner as on date liable to pay rental arrears to the tune of Rs.2,88,050/-. If the petitioner pays this arrears, the shop will be unsealed.

6.Today the petitioner filed an affidavit stating that the caution deposit of Rs.3,00,000/- has been paid by him. By resolution passed by the respondent dated 09.09.2016, it has been reduced to Rs.2,00,000/-. Therefore after adjusting Rs.1,00,000/-, he has paid the balance rental arrears of Rs.1,88,050/- to the respondent on 04.07.2019. Therefore the petitioner seeks for renewal lease for further period of 3 years, under the new enhanced rent on payment of Rs.75/- per sq.ft and to unlock the premises.

7.The learned Additional Government Pleader appearing for the respondent submits that as on date the petitioner has cleared all the rental arrears but, he has encroachment upon adjacent land. Therefore, lease can be only for 100 sq.ft of shop already leased out to the petitioner. It is made clear that lease to the petitioner is only in respect of 100 sq.ft at the rate of Rs.75/- per sq.ft, as demanded by the petitioner.

8.Taking note of the fact that the petitioner has cleared all the rental arrears, the respondent shall unseal the shop of the petitioner extent of 100 sq.ft. The petitioner shall forthwith pay the enhanced rent without fail. In case of failure, it is open to the respondent to take appropriate action in accordance to law, to evict the petitioner.

5.With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

rst

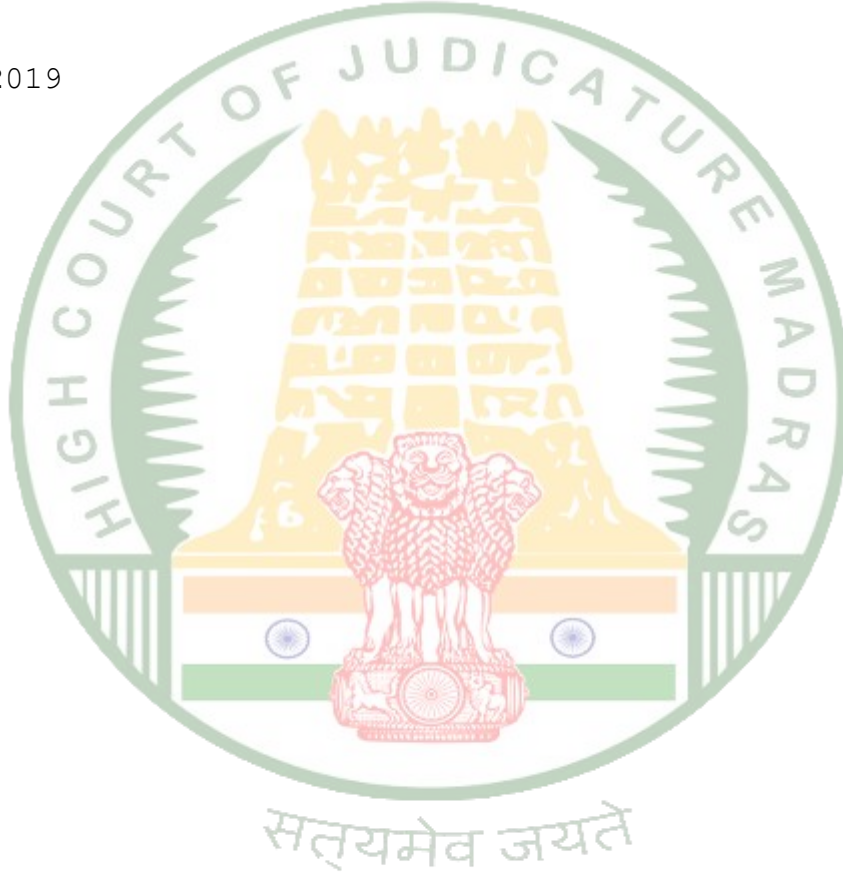
To

The Commissioner,
Salem Corporation,
Fort Main Road,
Salem - 636 007.

+lcc to Mr.A.Saravanan, Advocate, S.R.No.56584

W.P.No.15294 of 2019
and
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GP (CO)
CS/29/08/2019



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