

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24..01..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.32231 of 2018
and
W.M.P.Nos.37483 & 37484 of 2018

A.M.Ayub

... Petitioner

-Versus-

The Commissioner,
Cuddalore Municipality,
Cuddalore Post and District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent pertaining to the proceedings in Na.Ka.No.14703/2016/A2, dated 31.07.2018 and 24.09.2018 and to quash the same and for a direction to the respondent to consider the enhancement of the monthly rent to the shop No.2 Extension in the Western Side of Women and Children Hospital, Cuddalore, after granting a personal hearing to the petitioner.

For Petitioner : Mr.V.Raghupathi
For Respondent : Mr.B.Anand

ORDER

Challenging the validity of the proceedings of respondent in Na.Ka.No.14703/2016/A2 dated 31.07.2018 and 24.09.2018 re-fixing the lease amount in respect of the shop leased out to the petitioner and for a further direction to respondents to re-consider enhancement of monthly lease amount.

2. The learned counsel for the petitioner would submit that the issue involved in this writ petition squarely covered by the common order of this court dated 21.12.2018 made in W.P. Nos. 28293 of 2018 etcetera batch. The learned counsel for the respondent would also admit the position.

3. In R.Ashok Kumar v. The Municipal Commissioner, Cuddalore Municipality, Cuddalore, Cuddalore District [W.p.No.28293 of 2018 dated 21.12.2018], this court passed the following order:-

"15. The impugned notice is only an offer made by the respondent-Municipality to the petitioners for paying the revised lease amount, and it is for them to accept or not. There is no compulsion on the part of the petitioners to accept the same. If the petitioners are not willing to accept the offer, it is always open to the Municipality to bring the properties for public auction. In the said circumstances, I find no merits in the contention in the writ petitions.

16. Accordingly, the writ petitions are partly allowed with a direction to the respondent-Municipality to revise the lease amount only prospectively from the year 2018."

4. Considering the fact that the issue is already covered by the judgement of this court referred to above, the respondent is directed to re-fix the lease amount only prospectively from the year 2018.

5. In the result, this writ petition is partly allowed with the direction as indicated above. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmk
To

1.The Commissioner, Cuddalore Municipality, Cuddalore Post,
Cuddalore.

+1cc to Mr.V.Raghupathi , Advocate SR.No. 6102

Writ Petition No.32231 of 2018

A.SK(25/02/2019)