

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

W.P. Nos. 30822, 30830, 30838 & 30848 of 2018
and
W.M.P.Nos. 35964, 35967, 35968, 35977, 35978,
35980, 35989, 35991, 35997,
36001 & 36002 of 2018

K.Eshwaramoorthi ... Petitioner in W.P.No. 30822 of 2018
T.Balakrishnan ... Petitioner in W.P.No. 30830 of 2018
K.G.Ponnusamy ... Petitioner in W.P.No. 30838 of 2018
T.Sivakumar ... Petitioner in W.P.No. 30848 of 2018
vs.

The Municipal Commissioner,
Dharapuram Municipality,
Dharapuram-638 656. Respondents in all WPs

Common Prayer:- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records relating to the impugned notice in Na.Ka.No.4932/2016/A3 dated 30.10.2018 on the file of the respondent, served to the petitioner on 08.11.2018 and quash the same.

For Petitioner in all W.Ps. : Mr.S.Kumaradevan

For Respondents in all W.Ps. : Mr.P.Srinivas
Standing Counsel

ORDER

These writ petitions have been filed challenging the notice issued by the respondent-Municipality revising the lease amount directing the petitioner to pay a security deposit of One Lakh in the event of producing a solvency certificate for Rs.10,00,000/- otherwise to deposit a sum of Rs.2,00,000/-.

2. The grievance of the petitioners is that they are all existing lessees in respect of various shops in the respondent-Municipality. While granting lease, earlier all of them deposited a sum of Rs.1,50,000/- and petitioner in W.P.No.30838 of 2018, has deposited a sum of Rs.2,00,000/-. By the impugned order, the respondent while renewing the lease as per G.O.Ms.No.92, M.A.W.S. Department, dated 03.07.2007 has revised the lease amount. While revising the lease amount, the respondent has once again directed

the petitioners to pay the security deposit. According to them, there is no necessity for the petitioners to pay the security deposit, once again, as it was already deposited by them with the respondent Municipality.

3. The learned Standing Counsel appearing for the respondent, on instructions, submitted that the security deposit paid by the petitioners is still with the Municipality and it has not been refunded to the petitioners.

4. Admittedly, the petitioners are existing lessees, apart from that, they have also accepted the revised rent. Admittedly, earlier, they have deposited a sum of Rs.1,50,000/- and Rs.2,00,000/- in W.P.No.30838 of 2018, as security deposit and the amount paid by the petitioners is still with the Municipality. In that circumstances, there is no necessity for demanding another security deposit.

5. Considering the above circumstances, as the petitioners have accepted the revised lease amount and also paid one year rental amount as advance, and also the security amount deposited by the petitioners is still with the Municipality, the respondent Municipality is directed to renew the lease without insisting the petitioners to any further security deposit.

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

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrp

To

The Municipal Commissioner,
Dharapuram Municipality,
Dharapuram-638 656.

+1cc to Mr. S.Kumaradevan, Advocate SR.No. 6183

+1cc to Mr. P.Srinivas, Advocate SR.No. 6412

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A.SK(13/03/2019)