

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33853 of 2018

and

W.M.P.Nos.39315, 39318 of 2018

1. P.Ramesh

2. T.Palanisami

3. G.Muralidhar

.... Petitioners

Vs.

The Commissioner,
Corporation of Salem,
Ammapettai Ward Office,
Salem,
Salem District

.... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent Corporation in its impugned proceedings of the respondent made in Na.Ka.No.L8/676/2016 dated 05.04.2016 for the enhancement of rent and deposit amount quash the same and further direct the respondent-Corporation to conduct an enquiry after furnishing all the details, which formed the basis for enhancement of rent and security deposit as per the impugned proceedings dated 05.04.2016.

For Petitioner : Mr. R.Hemalatha

For Respondents : Mrs.K.Bhuvaneswari.
Standing Counsel

O R D E R

This writ petition has been filed challenging the order passed by the Respondent-Corporation revising the lease amount of the shops leased out to the petitioners as per G.O.Ms.92,

Municipal Administration and Water Supply Department, dated 03.07.2007.

2. According to the petitioners, they are lessees in respect of 3 shops belonging to the respondent-Corporation for more than 15 years. Now, all of a sudden, the respondent-Corporation revised the rent exorbitantly and asking the petitioners to accept the rent, otherwise the shops will be put into public auction. The petitioners are willing to pay 15% of enhanced rent, but that was not accepted by the Corporation. Hence, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, Mrs.K.Bhuvaneswari, Standing Counsel, appearing for the respondent-Corporation, would submit that pending writ petition, the petitioners approached the respondent-Corporation and also expressing their willingness to take the shop for lease on the revised rent and also willing to deposit the security deposit as claimed by the respondent and he has also produced the copy of the undertaking letters.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondent.

5. Considering the fact that now the petitioners themselves are willing to abide the conditions made by the respondent-Corporation and since notice has been issued in the year 2016 itself, the petitioners are directed to pay the arrears of lease amount from the year 2016 till date and on payment of the same, the respondent is directed to renew the lease in favour of the petitioner after following procedures as per G.O.Ms.92, Municipal Administration and Water Supply Department, dated 03.07.2007. The petitioners are directed to pay the entire arrears within a period of six weeks from the date of receipt of a copy of this order. If the petitioners fail to pay the amount, it is always open to the petitioner-Corporation to bring the shop for public auction.

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

sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

The Commissioner,
Corporation of Salem,
Ammapettai Ward Office,
Salem,
Salem District.

+1cc to the Government Pleader Sr.9756
+1cc to M/s.R.Hemalatha, Advocate Sr.9053

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rr[co]
srg 19/03/2019



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