



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.(MD)Nos.6 and 7 of 2019

and

C.M.P(MD)Nos.41 and 42 of 2019

Bharat Petroleum Corporation Ltd.,
Represented by its' Territory Manager,
TPK Road, Madurai. : Appellant/Petitioner in both writ appeals

Vs.

Karaikudi Municipality,
Represented by its Commissioner,
Karaikudi,
Sivagangai District.
: Respondent/Respondent in both Writ appeals

COMMON PRAYER: Writ Appeals are filed Clause 15 of Letters Patent Act, against the common order, dated 11.09.2018, made in WP(MD) Nos.17913 and 17914 of 2018.

Prayer in WP(MD). 17913/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.5236/2016/A1 dated 23.04.2018 and quash the same in so far as the site situated in T.S.No.636 (part) at Subramaniapuram, Karaikudi in which retail outlet is running in the name of Jaihind filling station

Prayer in WP(MD). 17914/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.5236/2016/A1 dated 23.04.2018 and quash the same in so far as the site situated in T.S.No.651 at Chekkalai Road, Karaikudi in which retail outlet is running in the name of Tamilan Agencies.



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For Respondent in
both W.As.

: Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.P.Mahendran

COMMON JUDGMENT

[Judgment of the Court was delivered by
SENTHILKUMAR RAMAMOORTHY, J.]

These writ appeals are filed challenging the common order, dated 11.09.2018, whereby the writ court directed the petitioner to deposit 50% of the enhanced rent to the concerned Municipality and thereafter submit objections along with supporting documents and further directed the authorities to consider the said objections and fix or re-fix the lease rent in accordance with law, within two weeks thereafter. The said order dated 11.09.2018 follows the earlier order of this Court made in W.P.(MD)No.17966 to 17968 of 2017, dated 21.09.2017.

2.The learned counsel for the petitioner submits that the direction to the appellants to deposit 50% of the enhanced rent amount is onerous and therefore, he requests that the said deposit amount may be reduced by this Court.

3.We find that in the earlier batch of cases referred to supra, the order has been passed in respect of several municipalities, which was the basis for the impugned order. Therefore, we are not inclined to interfere with the impugned order, which is in the nature of an interim arrangement, except to the limited extent of extending the time for depositing 50% of the enhanced rent to three weeks from the date of receipt of a copy of this order. Needless to say, it is open to the appellant to raise all objections on merits before the municipality concerned in terms of the impugned order.

4.These writ appeals are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)



To
The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

+1CC TO MR.S.NATESHRAJA, Advocate Sr. No. 68523
+1CC TO MR.P.MAHENDRAN, Advocate Sr. No. 68565

W.A. (MD) Nos. 6 and 7 of 2019
and
C.M.P (MD) Nos. 41 and 42 of 2019
Dated: 13.06.2019

NS (CO)
TR (25.06.2019) 3P 4C