

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5725 of 2020
and
W.M.P.No.6683 of 2020

R.Raghupathi

... Petitioner

Vs.

The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore - 607 001.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records and quash the notice issued by the respondent in Na.Ka.No.14703/A2/16 dated 11.12.2019 and consequently restrain the respondent from evicting the petitioner from Shop No.2, Bharathi Road, Cuddalore.

For Petitioner : Mr.D.Bhaskar

For Respondents : M/s.B.Nirmala
for M.Kirubakaran

O R D E R

Heard Mr.D.Baskar, learned counsel for the petitioner and M/s.B.Nirmala for M.Kirubakaran, learned counsel for the respondents. With consent on either side, this writ petition is taken up for final disposal.

2. The petitioner whose is a leasee / licensee of a shop bearing No.2 in Bharathi Road, Cuddalore, owned by the respondent Municipality is aggrieved by a demand notice issued calling upon the petitioner to pay a sum of Rs.6,30,308/-. On perusal of the impugned demand notice, it is seen that there can be no error with regard to the computation of the rent for 36 months, increase by 15% for 9 months, service tax, electricity

deposit and renewal fee. The only amount which appears to be disproportionate is the sum of Rs.1,20,000/- which has been demanded as advance lease amount. Admittedly, the present demand is for renewal of the existing lease / licence and the period comes to an end by 31.03.2020.

3. Therefore, the considered view of this Court is that the respondent municipality can consider waiving amount of Rs.1,20,000/- provided the petitioner pays the remaining amount in full, giving credit to any part payment made by the petitioner earlier.

4. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (MD)

//True Copy//

Sub Assistant Registrar

Pns

To

The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore - 607 001.

+1cc to Mr.D.Baskar, Advocate, S.R.No.20039.

+1cc to Mr.M.Kribaharan, Advocate, S.R.No.19973.

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W.P.No.5725 of 2020

PA (CO)

VSI-2 (29.05.2020)