

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.13569 of 2017

Tirupur Municipality Shop Merchants Association,
Registration No.37/1991,
Rep. By its Secretary R.Periyasamy,
No.25, First Floor, Old bus stand,
Kamarajar Road,
Tiruppur - 641604. ... Petitioner

Vs

The Commissioner,
Tiruppur Corporation,
Tiruppur. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to lease out the shops to the existing lease holders of the members of the petitioner whose shops have not fetched any successful bidder in the auctions conducted by the respondent earlier by considering the individual cases for fixation of a reasonable rent in case of such members by applying the ratio of the judgment passed by the Division Bench of this Court made in W.A.No.1307 of 2016 dated 25.10.2016 etc.

For Petitioner : Mr.A.Thiyagarajan, Sr.C
for Mr.K.Venkatapathy

For Respondent : Mr.S.Silambanan, Sr.C
for Mrs.P.Shanthi

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ORDER

Heard Mr.A.Thiyagarajan, learned Senior counsel, for Mr.K.Venkatapathy, learned counsel for the petitioner, and Mr.S.Silambanan, learned Senior counsel, for Mrs.P.Shanthi, learned standing counsel appearing for the respondent Corporation.

2. The petitioner seeks for issuance of a writ of mandamus to direct the respondent Corporation to lease out the shops to the existing lessees/licensees who are members of the petitioner association by fixing reasonable rent.

3. Taking note of the earlier order passed in the petitioner's case, the writ petition was entertained and the members of the petitioner association were directed to pay 30% of the enhanced rent. It appears that the members of the petitioner association have paid 30%.

4. During the pendency of the writ petition, the area in question is fallen within the area of Corporation where the Smart City project is to be implemented which involves demolition of existing old structures, modification of area, etc. If the Smart City project is implemented, 63 shops, which are occupied by the members of the petitioner association as lessees, will have to be demolished. Therefore, learned Senior counsel for the respondent Corporation submits that licensees of 63 shops should be directed to be evicted. So far as the increase of license fee/lease rent, the Municipality is agreeable to accept 50% of increase instead of 100%. This stand was placed by way of additional counter affidavit filed by the respondent Corporation.

5. In response, the petitioner association has filed an affidavit dated 30.06.2017 accepting the enhancement of 50%. That apart, learned Senior counsel for the petitioner, on instruction, submits that the members of the petitioner association, who are licensees of those 63 shops, are agreeable to vacate and a reasonable time may be granted.

6. Considering the subsequent development during the pendency of the writ petition and consensus arrived at between the parties, the writ petition is disposed of with the following directions;

(i) the members of the petitioner association are directed to pay the enhanced lease rent of 50% instead of 100% and all arrears shall be cleared within a period of three weeks from the date of receipt of a copy of this order.

(ii) In the light of the undertaking given by the petitioner association that 63 members who are licensees of 63 shops will vacate the shops to facilitate the implementation of

Smart City project, those 63 members having their shops in the old bus stand shall vacate the premise and hand over the vacant possession to the respondent Corporation on or before 08.03.2020 at 5p.m., failing which, the respondent Corporation is entitled to take over the possession and if necessary with the police assistance. No Costs. W.M.P.No.14713 of 2017 is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

rkm

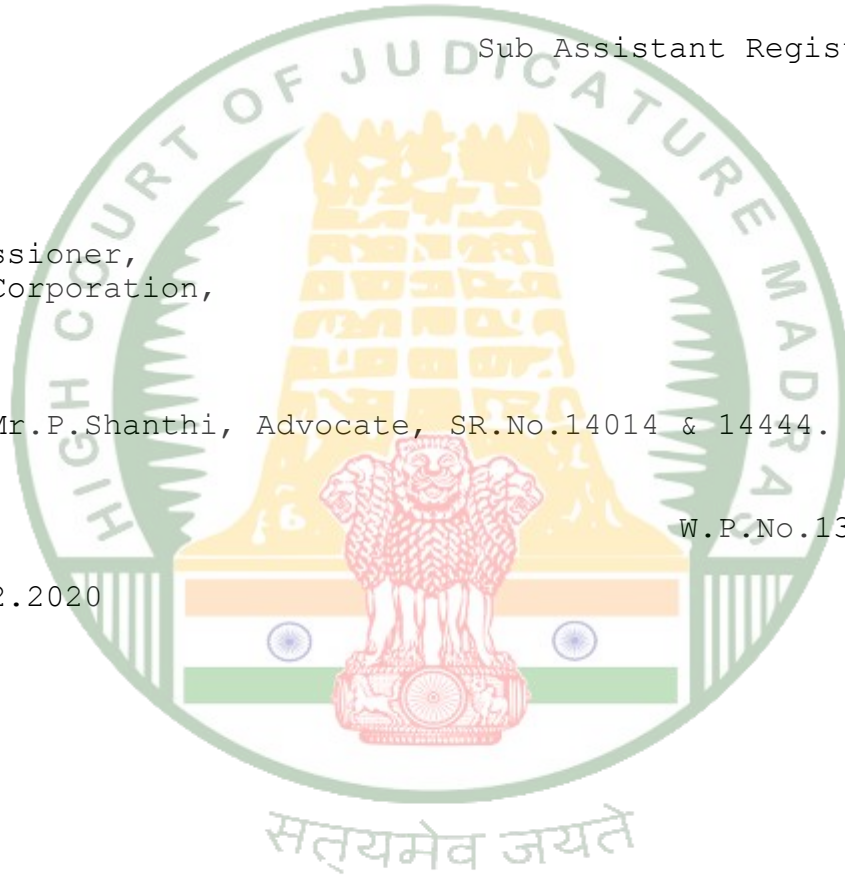
To

The Commissioner,
Tiruppur Corporation,
Tiruppur.

+3CCs to Mr.P.Shanthi, Advocate, SR.No.14014 & 14444.

W.P.No.13569 of 2017

EV(CO)
CSR: 19.02.2020



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