



W.P.(MD)No.23588 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.23588 of 2022

Hithayathullah

... Petitioner

Vs.

The Commissioner,
Palani Municipality,
Palani, Dindigul District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to accept the surrender of extension bus stand hotel at V.O.C., Bus Stand, Palani, Dindigul District and refund the security deposit amount of Rs.29,00,000/- (Rupees Twenty Nine Lakhs Only) to the petitioner by considering his representation dated 15.09.2022.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.L.P.Maurya
Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to accept the surrender of extension bus stand hotel at V.O.C., Bus Stand, Palani, Dindigul District and refund the



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security deposit amount of Rs.29,00,000/- (Rupees Twenty Nine Lakhs Only) to the petitioner by considering his representation dated 15.09.2022.

2. The grievance of the petitioner is that the petitioner was a successful bidder in the auction conducted by the respondent municipality with regard to the shop at V.O.C.Bus stand, Palani and running a hotel in the said premises for more than 11 years. He has paid a sum of Rs.29,00,000/- as deposit amount. Due to Covid-19 lock down, the petitioner closed the said shop for two years and was in huge loss. Hence, the petitioner made a representation on 15.09.2022 to the respondent to accept the surrender of shop and refund the deposit amount. Based on the same, the respondent issued a show cause notice with a calculation showing a sum of Rs.58,87,728/- as arrears of rent, without conducting any enquiry. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3.The learned Standing Counsel appearing for the respondent reiterated all the contentions set out in the counter affidavit and submitted that the petitioner is in possession of the subject premises for more than 11 years. The rent is increased every three years at the rate of 15% of the existing rent amount as per G.O Ms.No.92, dated 03.07.2007. After the nine years of lease period was over, the said premises was given to the petitioner once again on his request and undertaking to the effect that he will abide by the decision that



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will be taken with regard to the fixation of rent. But, the petitioner has not paid the revised rent from April 2019. Hence, the show cause notice was issued to the petitioner.

4. No prejudice would be caused to the respondent, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

5. Considering the above, this Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the petitioner's representation dated 15.09.2022 and pass appropriate orders on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, within a period of four [4] weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

24.11.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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To

The Commissioner,
Palani Municipality,
Palani, Dindigul District.

Order made in
W.P. (MD) No.23588 of 2022

24.11.2022