



W.P.(MD)No.9378 of 2021 and etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2021

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).Nos.9378,9379, 9380, 9381 and 9383 of 2021
and

W.M.P(MD)Nos.7092, 7088, 7098, 7094, 7095, 7093, 7091,
7090, 7089 and 7099 of 2021

- | | |
|--|---|
| 1. N.R.Gundasekaran | ... Petitioner
in W.P(MD)No.9378 of 2021 |
| 2. Yahya | ... Petitioner
in W.P(MD)No.9379 of 2021 |
| 3. M.Viswanathan | ... Petitioner
in W.P(MD)No.9380 of 2021 |
| 4. Trichy Engineering Stores,
Represented by its Partner A.Ismail,... | Petitioner
in W.P(MD)No.9381 of 2021 |
| 5. Sritharan | ... Petitioner
in W.P(MD)No.9383 of 2021 |

Vs.

1. The Commissioner,
Tiruchirappalli City Municipal Corporation,
O/o. Tiruchirappalli City Municipal Corporation,
Municipal Office Road,
Cantonment,
Tiruchirappalli.
2. The Assistant Commissioner,
Sri Rengam Zone,
O/o Tiruchirappalli City Municipal Corporation,
Municipal Office Road,
Cantonment,
Tiruchirappalli.

... Respondents
in all W.Ps



W.P.(MD)No.9378 of 2021 and etc., batch

Prayer in W.P(MD)No.9378 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction calling for the records relating to the impugned calculation memo dated 23.04.2021, issued by the 2nd respondent in allotment no.086/1/200297 and to quash the same as illegal and ultravires and consequently, direct the respondents not to forcibly evict the petitioner from the shop premises bearing shop no.97, bearing no.1, Old Devar Hall Buildings, West Boulevard Road, Tiruchirapalli, pending disposal of the Writ Petition, and pass such further orders as the Honble Court deems fit and proper in the circumstances of the case and thus render justice.

Prayer in W.P(MD)No.9379 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction calling for the records relating to the impugned calculation memo dated 23.04.2021, issued by the 2nd respondent in allotment no.086/1/200298 and to quash the same as illegal and ultravires and consequently, direct the respondents not to forcibly evict the petitioner from the shop premises bearing shop no.98, bearing no.2, Old Devar Hall Buildings, West Boulevard Road, Tiruchirapalli, pending disposal of the Writ Petition, and pass such further orders as the Honble Court deems fit and proper in the circumstances of the case and thus render justice.

Prayer in W.P(MD)No.9380 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction calling for the records relating to the impugned calculation memo dated 23.04.2021, issued by the 2nd respondent in allotment no.086/1/200299 and to quash the same as illegal and ultravires and consequently, direct the respondents not to forcibly evict the petitioner from the shop premises bearing shop no.98, bearing no.2, Old Devar Hall Buildings, West Boulevard Road, Tiruchirapalli, pending disposal of the Writ Petition, and pass such further orders as the Honble Court deems fit and proper in the circumstances of the case and thus render justice.



W.P.(MD)No.9378 of 2021 and etc., batch

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Prayer in W.P(MD)No.9381 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction calling for the records relating to the impugned calculation memo dated 23.04.2021, issued by the 2nd respondent in allotment no.086/1/2002101 and to quash the same as illegal and ultravires and consequently, direct the respondents not to forcibly evict the petitioner from the shop premises bearing shop no.98, bearing no.2, Old Devar Hall Buildings, West Boulevard Road, Tiruchirapalli, pending disposal of the Writ Petition, and pass such further orders as the Honble Court deems fit and proper in the circumstances of the case and thus render justice.

Prayer in W.P(MD)No.9383 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction calling for the records relating to the impugned calculation memo dated 23.04.2021, issued by the 2nd respondent in allotment no.086/1/2002101 and to quash the same as illegal and ultravires and consequently, direct the respondents not to forcibly evict the petitioner from the shop premises bearing shop no.98, bearing no.2, Old Devar Hall Buildings, West Boulevard Road, Tiruchirapalli, pending disposal of the Writ Petition, and pass such further orders as the Honble Court deems fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.M.Ashok Kumar
(in all W.Ps)

For R1 & R2 : Mr.J.Sriprasad
for M/s.R.B.Law Associates



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W.P.(MD)No.9378 of 2021 and etc., batch

COMMON ORDER

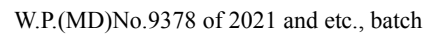
By this common order all these writ petitions are being disposed of.

2. Heard the learned counsel on either side.

3. The impugned calculation memo dated 23.04.2021 is set aside in the light of the fact that the same has been prepared without even issuing notices to the petitioners and without hearing them.

4. However, the learned counsel appearing for the 1st respondent would submit that the petitioners have not even paid the admitted amount till date.

5. Therefore, while remanding the matter back to the 1st respondent to reconsider the enhancement of the lease amount, the respondents shall issue notice to the petitioners, hear them and thereafter pass appropriate orders on merits and in accordance with law. However, enquiry will be enhanced only if the arrears of the admitted lease amount are paid by the petitioners.



7. With the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

To

1. The Commissioner,
Tiruchirappalli City Municipal Corporation,
O/o. Tiruchirappalli City Municipal Corporation,
Municipal Office Road,
Cantonment,
Tiruchirappalli.
2. The Assistant Commissioner,
Sri Rengam Zone,
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