



W.P.No.3199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.3199 of 2024

A.Sundaram

S/o.Ayyannagounder

... Petitioner

vs.

1. The District Collector
Salem
Salem District.
2. The Assistant Director
Town Panchayat
Salem, Salem District.
3. The Block Development Officer
Office of Panchayat Union
Sankari, Sankari Taluk
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the records pursuant to the order passed by 3rd respondent in Na.Ka.No.2232/2023/A4 dated 30.01.2024, quash the same and consequently, direct the 3rd respondent to renew the licence to run the private market for the year 2024-2025 in Survey

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No.309/10 at Konneripatti Agharagam Village, Sankari Taluk, in the light of order passed in W.P.No.32344 of 2018 dated 25.01.2019.

For Petitioner : Mr.M.Elango
For Respondents : Mr.M.Sivavarthanan
Government Counsel, for R1 & R2
Mr.G.Rajkumar, for R3

ORDER

The petitioner challenges the communication dated 31.01.2024 issued by the third respondent, whereby he was called upon to produce a No Objection Certificate from the State Highways Department, the licences renewed from the year 2007 onwards, and the consent of the co-licensee, namely, Govindan, son of Anai Gounder.

2. The licence for operating the private market was originally granted in favour of thirteen persons, including the petitioner's father. Thereafter, the licence was renewed from time to time. The last renewal stood in the names of the petitioner and one Govindan up to the year 2017–2018. Subsequently, the licence was not renewed for reasons not known. The petitioner thereafter submitted an application dated 13.01.2024 seeking renewal of the licence in his name.



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3. Heard the learned counsel appearing on either side and perused the materials placed on record.

4. The petitioner's application was processed. However, by the impugned communication, the petitioner was called upon to produce a No Objection Certificate from the State Highways Department, the licences renewed from the year 2007 onwards, and the consent of the co-licensee, Govindan.

5. The petitioner submits that he has already produced the licences renewed from the year 2007 onwards. It is further submitted that the co-licensee, Govindan, has not come forward to seek renewal of the licence and, therefore, there is no necessity to obtain or produce his consent.

6. The grant of a licence to operate a private market is governed by Section 148 of the Tamil Nadu Panchayats Act, 1994 read with the Tamil Nadu Panchayats (Opening and Maintenance of Markets) Rules, 2000.. When the co-licensee has not sought renewal of the licence, insistence on his consent is wholly unwarranted. The petitioner, however, has expressed his willingness



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to produce the earlier licences renewed from the year 2007 onwards.

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7. The place where the private market is situated abuts the State Highway. Therefore, production of a No Objection Certificate from the State Highways Department is necessary.

8. In view of the above, this writ petition is disposed of on the following terms:

(i) The petitioner shall produce the licences renewed from the year 2007 onwards before the third respondent within a period of one (1) week from the date of receipt of a copy of this order.

(ii) Upon receipt of the said documents and No Objection Certificate from the state highways department, the third respondent shall consider the petitioner's application for renewal of the licence and pass appropriate orders in accordance with law, without insisting upon the consent of the co-licensee, Govindan, provided the petitioner otherwise satisfies the statutory requirements. Such exercise shall be completed within



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a period of three (3) weeks thereafter.

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There shall be no order as to costs.

16.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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To

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HEMANT CHANDANGOUDAR, J.,

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