

W.P.(MD).No.21106 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2026

CORAM

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P(MD) No.21106 of 2026

and

W.M.P(MD) Nos.15676, 15677 and 15678 of 2026

Karthikeyan

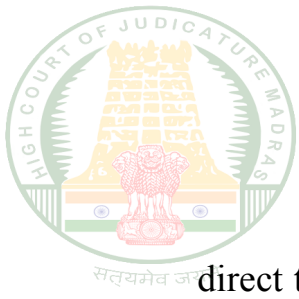
..... Petitioner

Vs.

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Deputy Commissioner,
Zone-II, Madurai Corporation,
Madurai.
- 3.The Assistant Commissioner,
Zone-II,
Madurai Corporation, Madurai.

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the impugned proceedings of the 2nd respondent in A3/004851/2022 dated 03.07.2026 served on 21.07.2026 and quash the same as illegal and consequentially



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direct the respondents to act as per the proceedings of the 1st respondent in Ma.Va.2/020130/17 dated 17.10.2017 and curb the unauthorised parking of the vehicles along the main road.

For Petitioner : M/s.AL.Gandhimathi, Senior Counsel
for Mr.S.Bala Karthick

For R1 to R3 : Mr.R.Murali
Standing Counsel

ORDER

[Order of the Court was made by C.V. KARTHIKEYAN, J.]

This Writ Petition has been filed challenging the impugned proceedings of the 2nd respondent in A3/004851/2022 dated 03.07.2026, served on 21.07.2026 and to quash the same as illegal and consequentially, direct the respondents to act as per the proceedings of the 1st respondent in Ma.Va.2/020130/17 dated 17.10.2017 and curb the unauthorised parking of vehicles along the main road.

2. This petition is taken up as per the permission sought to move it as a lunch motion by the learned Senior Counsel for the writ petitioner, who claimed that a notice had been issued on 03.07.2026 to the petitioner



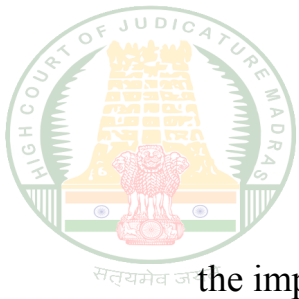
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giving just 15 days time to vacate a shop, which had been allotted to the petitioner to run a tea stall in the open place in front of the entrance of the vegetable market at Mattuthavani, Madurai District.

3. It is contended by the learned Senior Counsel that the permission was granted lawfully by the proceedings dated 17.10.2017 to run the tea shop in a place measuring 6 x 6 feet and the monthly rent was also determined. It is contended that the petitioner had been diligently paying the monthly rent till 2023, when suddenly, without any reason, the respondents stopped receiving the rent. However, it has been contended by the learned Senior Counsel that the petitioner had always tendered the rent and therefore cannot be stated to be in default.

4. Be that as it may, it has been contended on behalf of the respondents that an earlier show cause notice had been issued on 16.06.2026 to the petitioner herein calling upon the petitioner to give necessary explanation as to how the petitioner could continue to be in possession of the said shop. An explanation had been immediately forwarded by the petitioner herein. But, overriding the explanation given,



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the impugned notice had been issued to the petitioner.

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5. It is the contention of the learned Standing Counsel for the respondents that these steps have been taken pursuant to an order of the Division Bench of this Court in W.P.(MD) No.9241 of 2026 dated 24.04.2026. The said Writ Petition had been filed by the Madurai Pazha Commission Vanikarkal Sangam in the nature of a Mandamus seeking a direction to remove the illegal shops/encroachments put up at the entrance of the Smart Fruit Market, Mattuthavani, Madurai. The Division Bench had passed the following order in the said Writ Petition:

4.In such view of the matter, the authorities concerned are directed to conduct a survey in the place in question, after issuing notice to the petitioner, the private respondent herein and all other parties concerned, if any, within a period of two weeks from the date of receipt of a copy of this order. If the survey reveals any encroachment, the authorities concerned shall take necessary action for removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of six weeks thereafter

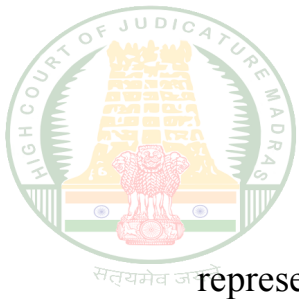


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6. It is, however, contended by the learned Senior Counsel that the petitioner cannot be termed to be running either an illegal shop or to be in encroachment at the entrance of the Smart Fruit Market at Mattuthavani. Reference had again been drawn to the allotment made and permission granted to occupy a 6 x 6 feet portion for the running of a tea stall by the petitioner herein by the proceedings of the respondents. But, once again, it should also be reiterated that the rents tendered by the petitioner had been refused by the respondents on and from the year 2023, which would only indicate that the respondents no longer considered the petitioner either as a lessee or as a licensee or to be in permissive occupation. The petitioner was just another holder of a portion outside the entrance without any further authority from the respondents. Since the orders have been passed consequent to the directions issued by this Court, it may not be either prudent or appropriate on our part to grant any liberty to the petitioner herein.

7. The learned Senior Counsel stated that the petitioner would vacate the shop on or before 10.08.2026. The learned Senior Counsel made a further representation that the petitioner would also submit a



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representation seeking allotment of some other place by the respondents.

8. The petitioner is always at liberty to give any such representation. It is for the respondents to consider the same in accordance with law.

9. In the result, this Writ Petition is dismissed with such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

[C.V.K., J.] & [R.S.V., J.]
23.07.2026

NCC : Yes / No
Index : Yes / No

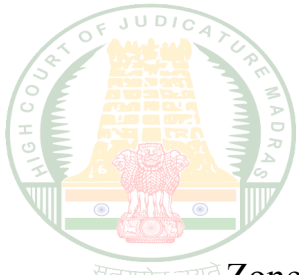
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To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Deputy Commissioner,
Zone-II, Madurai Corporation,
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3.The Assistant Commissioner,



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Zone-II, Madurai Corporation, Madurai.
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AND
R.SAKTHIVEL, J.

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