



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2015

CORAM:

THE HONOURABLE Dr. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.167 of 2015

and

M.P. (MD) No.1 of 2015

Umadevi

... Appellant/Petitioner

Vs.

1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

2.The Junior Engineer,
Thoothukudi Corporation,
Thoothukudi.

... Respondents/Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 13.02.2015 passed by this court in W.P.(MD) No.1847 of 2015. Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate writ or order or direction more in the form of Writ to call for the records pertaining to the order passed in A16/26371/1999, dated 7.2.15 passed by the 1st respondent and quash the same

For Appellant : Mr.T.Selvakumaran

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

Challenging the order dated 13.02.2015 passed by the Learned Single Judge in W.P.(MD) No.1847 of 2015 the Writ Appeal has been preferred under Clause 15 of Letters Patent Act.

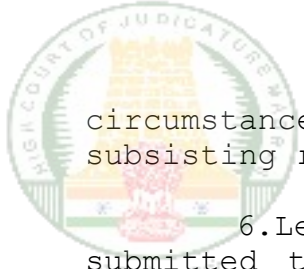
2.Heard the learned counsel appearing for the appellant.

3.It is seen that the appellant / petitioner filed the aforesaid Writ petition seeking an order in the nature of Writ of Certiorari calling for the records pertaining to the order dated 07.02.2015 passed by the Commissioner, Tutucorin Corporation, Tuticorin, the first respondent therein in proceeding No.A16/23371/1999, dated 07.02.2015.

4.It is not in dispute that the appellant / petitioner was given licence to run a milk booth for a period of one year from 2001 - 2002. After the expiry of the said period, the first respondent issued a notice to the appellant / petitioner to hand over the milk booth as per the terms and conditions of the licence given in favour of the appellant / petitioner. However, without handing over the same, the appellant / petitioner filed the above Writ petition seeking extension of lease period from 2002 - 2003.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Learned Single Judge having considered the facts and



circumstances has decided that the appellant / petitioner has no subsisting right to seek the extension of the licence period.

6.Learned counsel appearing for the appellant / petitioner submitted that the petitioner is having two daughters and she is the breadwinner of the family. However, based on a moral ground, we cannot decide any legal issue, if that be so, the same may be an additional point to support the legal right. Merely based on the moral ground, a Writ petition cannot be decided when there is no subsisting legal right available in favour of the appellant/ petitioner.

7.On the aforesaid facts and circumstances, we are of the view that there is no legal ground available to maintain the Writ Appeal. Accordingly, the same is liable to be dismissed.

8.In the result, the Writ Appeal is dismissed, confirming the order passed by the Learned Single Judge.

No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To
1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

2.The Junior Engineer,
Thoothukudi Corporation,
Thoothukudi.

+1cc to Mr.T.Selvakumaran, Advocate in SR.No.14908

nbj
sm:16.04.2015:2P/4C

W.A. (MD) No.167 of 2015