

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4082 of 2018
and W.M.P.No.5010 of 2018

S.Sulaimaan

..Petitioner

Vs

1.The Commissioner
Coimbatore City Municipal
Corporation,
West Zone, Coimbatore.

2.The Assistant Commissioner,
Coimbatore City Municipal
Corporation,
West Zone, Coimbatore.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records pertaining to the order dated 16.09.2016 passed by the second respondent in connection with the shop portion with No.B-9 in the Paneer Selvam Flower market at Mettupalayam Road, Coimbatore, quash the same based on the representation dated 16.12.2017 given by the petitioner to the respondents.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.R.Sivakumar
Standing Counsel

ORDER

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused materials available on record.

2. This writ petition has been filed to quash the final notice issued by the second respondent, demanding arrear of Rs.9,57,983/- from the petitioner.

3. The petitioner claims to be the licensee of the shop No.B-9 in Paneer Selvam Flower Market at Mettupalayam Road, Coimbatore. According to the petitioner he has been in possession and paying the rent regularly to the the respondent corporation.

4. The respondent filed a counter affidavit stating that the petitioner was the original allottee of the shop No.B-9 and the allotment was cancelled in the year 2010, due to his failure in paying the licence fee. Thereafter, one N.Ravi became the licensee of the shop at the rate of Rs.705/- per day. The said Ravi was also in arrears of license fee and hence, the respondent issued a notice to the said Ravi demanding Rs.9,57,983/-, but inadvertently, the same was issued in the name of the petitioner.

5. In paragraph 8 of the counter affidavit, it is specifically stated that after realising the mistake, the second respondent through his letter, dated 08.06.2018 withdrew the demand notice issued to the petitioner, which is impugned in this Writ petition.

6. In the light of the stand taken by the respondent, this Court is of the considered opinion that no further adjudication is required in this writ petition. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsa/pvs
To

1.The Commissioner
Coimbatore City Municipal Corporation,
West Zone, Coimbatore.

2.The Assistant Commissioner,
Coimbatore City Municipal Corporation,
West Zone, Coimbatore.

+ 1 cc to Mr.D. Sugumar, Advocate Sr.41147
+ 1 cc to Mr. R. Sivakumar, Advocate Sr.41235

W.P.No.4082 of 2018

(Cs-v)
EU(12/07/2018)