



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.14535 of 2018

and

W.M.P. (MD) No.13115 of 2018

M.Murugandi

... Petitioner

vs.

The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records in connection with the impugned order passed by the respondent in his proceedings in Na.Ka.No.3022/2017/21 dated 02.07.2018 and quash the same.

For Petitioner : Mr.K.R.Laxman
For Respondent : Mr.M.Vasimalai

O R D E R

The present writ petition has been filed challenging the order dated 02.07.2018 of the respondent Municipality cancelling the licence granted to the petitioner for collecting toll fee in the daily market.

2. According to the impugned communication, several defects have been pointed out, which were the basis for issuing cancellation order. The learned Counsel appearing for the petitioner would contend that those defects, which have been pointed out, have already been rectified, however, without taking note of the rectification of the defects, the respondent Municipality has issued the impugned order, which cannot be accepted either in law or on facts.

3. At this juncture, the learned Counsel appearing for the respondent Municipality would submit that in case the petitioner is willing to give any undertaking that he would not commit any irregularities in terms of the licence conditions, he would be allowed to continue of the licence for collection of toll fee in the daily market.

4. The learned Counsel appearing for the petitioner would submit that the petitioner would give such undertaking to the Municipality.



5. Considering the above narrative, this Court disposes of the writ petition with the following directions:

(i) The impugned order dated 02.07.2018 passed by the respondent Municipality is hereby set aside;

(ii) The petitioner is directed to give an undertaking that he would not violate any conditions of the licence granted to him by the respondent Municipality; and

(iii) Such undertaking shall be given within a period of one week from the date of receipt of a copy of this order.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

+1cc to Mr.K.R.Laxman, Advocate Sr.No.83524

+1cc to Mr.M.Vasimalai, Advocate Sr.No.83523

SSL

VB/RSK/SAR1/24.09.2018/2P/4C

W.P. (MD) No.14535 of 2018

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