



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.19319 of 2019

and

W.M.P. (MD).Nos.15736 and 15737 of 2019

M.P.Ravikumar

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Commissioner (Revenue)
(In-charge)
Madurai Corporation,
Annamaligai,
Dr.Ambedkar Road,
Madurai-625 020.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the 3rd respondent vide Ma.Va.2/Ma.Sa.1/010504/19 dated 26.08.2019 and quash the same and consequently, direct the respondents to grant licence in the petitioner name with regard to road side shop number 446 near Aavin Milk Factory.

For Petitioner : Mr.R.Vikram

For R1 : Mr.A.Muthukaruppan
Additional Government Pleader

For R2 & R3 : Mr.R.Murali

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Vikram, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government



Pleader appearing for the first respondent and Mr.R.Murali, learned Standing Counsel for the respondent Nos.2 and 3.

2.By consent of either side, this writ petition is taken up for disposal.

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3.This writ petition has been filed by one M.P.Ravikumar, challenging the notice issued by the respondent Corporation, directing the petitioner to vacate and hand over the vacant possession of the premise, which is occupied by the petitioner. What is interesting to notice is that the petitioner was never granted a license and even as per the impugned notice, license was issued to one Mr.Senthilvelmurugan, who is not the petitioner before us. The impugned proceedings are pursuant to a direction issued by the Division Bench in W.P.(MD).No.12188 of 2019 dated 02.07.2019 and 21.08.2019 and the contentions which were put-forth on behalf of the licensees as well as the Corporation of Madurai, were considered by the Division Bench and the directions were issued. Therefore, this Court cannot interfere with the proceedings initiated by the respondent Corporation, which itself was in pursuance to the direction issued in a batch of cases. Therefore, we are left with no other option except to dismiss the writ petition.

4.For the above reason, this writ petition stands dismissed. No costs. However, we find that the time limit prescribed in the impugned notice is three days, which we consider is promptly inadequate for the petitioner to remove his belongings and shift to another premises. Therefore, the only relief we grant to the petitioner is that the petitioner shall vacate and hand over the possession of the area/shop in question to the respondent Corporation without any resistance, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Collectorate Office,
Madurai District,

Madurai.

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



2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Commissioner (Revenue)
(In-charge)
Madurai Corporation,
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Dr.Ambedkar Road,
Madurai-625 020.

+1 CC to M/s.R.MURALI, Advocate (SR-85697[F] dated 06/09/2019)

+1 CC to M/s.SPL GP (SR-85627[F] dated 06/09/2019)

+1 CC to M/s.R.VICRAM, Advocate (SR-85823[F] dated 09/09/2019)

W.P. (MD) .No.19319 of 2019

and

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