



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.P. (MD) .No.19366 of 2019

and

W.M.P. (MD) .Nos.15801 and 15803 of 2019

V.Sundar Rajan

... Petitioner

Vs.

1.The Assistant Commissioner,
(Revenue) (i/c),
Madurai Corporation,
Anna Maligai,
Dr.Ambedkar Road,
Madurai District - 625 020.

2.The Madurai City Municipal Corporation,
represented by its Commissioner
Anna Maligai,
Dr.Ambedkar Road,
Madurai District - 625 020.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceeding of the first respondent in Ma.Va.2/Ma.Sal/010504/19, dated 26.8.2019 and to quash the same.

For Petitioner : Mr.N.Dilip Kumar

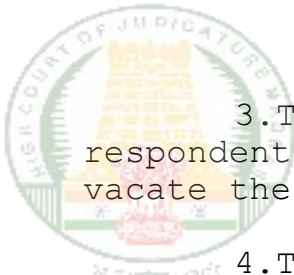
For Respondents : Mr.R.Murali

O R D E R

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

Heard Mr.N.Dilip Kumar, learned counsel appearing for the Petitioner and Mr.R.Murali, learned counsel, who accepts notice on behalf of the respondents/Madurai Corporation.

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



3.The Petitioner has impugned a notice issued by the first respondent/Corporation, dated 26.8.2019, directing the Petitioner to vacate the bunk shop which has been erected in the road margin.

4.The Petitioner was granted licence to put up a small bunk shop in 6ft x 5ft by proceedings, dated 7.7.2008 by the respondents/Corporation. Admittedly, the licence was only for a period of three years. However, the Petitioner appears to continue and carry on his trading activities. The matter pertaining to occupation of road margins and pavements etc came up before the Division Bench of this Court in W.P(M)No.122188 of 2019 etc batch of cases and orders were passed from time to time on 12.7.2019, 21.8.2019 and those Writ Petitions are also pending, wherein, the Corporation was directed to file report as to how several persons were allowed to run the business even after expiry of the licence period, particularly when there can be no perpetual licence. Pursuant to the directions issued by the Division Bench, the impugned notice has been issued. Admittedly, as on date, the Petitioner does not have valid licence to carry on his trading activities. Further more, the records produced by the respondents show that though licence was granted in the year 2000 for an extent of 6ft x 5 ft, however, the Petitioner has un-authorizedly extended his trading activities to an extent of 16 ft and this is also a violation committed by the Petitioner. Identical issue was considered by this Court in W.P(MD)Nos.19253 to 19260 of 2019 and this Court dismissed the said Writ Petitions on 4.9.2019.

5.Considering the above-stated facts and circumstances, we do not find any ground to interfere with the impugned proceedings and accordingly, this Writ Petition stands dismissed. However, the Petitioner is granted six weeks time to comply with the direction contained in the impugned notice, failing which, it is open to the respondents to take appropriate action to evict the Petitioner from the said place, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar

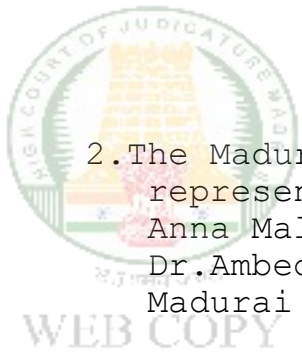
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Sub Assistant Registrar

To

1.The Assistant Commissioner,
(Revenue) (i/c),
Madurai Corporation,
Anna Maligai,
Dr.Ambedkar Road,

<https://hcservices.ecourts.gov.in/hcservices/> Madurai District - 625 020.



2.The Madurai City Municipal Corporation,
represented by its Commissioner
Anna Maligai,
Dr.Ambedkar Road,
Madurai District - 625 020.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-85763[F] dated
06/09/2019)

+1 CC to M/s.R.MURALI, Advocate (SR-85826[F] dated 09/09/2019)

ORDER MADE IN
W.P. (MD) .No.19366 of 2019
and
W.M.P. (MD) .Nos.15801 and 15803 of 2019
06.09.2019

VSN
MS/26.09.2019/3P.5C