



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.19486 of 2019

and

W.M.P. (MD) .Nos.15926 and 15928 of 2019

Meenachi

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai District.

2.The Assistant Commissioner, (Revenue)
Madurai Corporation,
Madurai District.

... Respondents

PRAYER in W.P. (MD) .No.19486 of 2019: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the notice in MAVA2/MASA1/19 dated 26.08.2019 issued by the 2nd respondent Corporation to vacate the shop allotted to one Pandi under allotment No.115/6240116 road side shops ward no.36 old allotment No.115/6240116 mayor Muthu angady Madurai, within three days from the date of receipt of a copy of the notice and consequently, direct the respondent to grant allotment of the above mentioned shop in my name and continue my business of the bunk shop for eking out my livelihood as per the application given to second respondent on 01.12.2014.

For Petitioners : Mr.F.Deepak

For Respondents : Mr.T.S.Mohammed Mohideen

ORDER

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

Heard Mr.F.Deepak, learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, learned counsel appearing for the respondents.

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

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3.The petitioner has impugned the notice issued by the second respondent/Corporation, dated 26.08.2019, directing the petitioner to vacate the bunk shop which has been erected in the road margin.

4.One Pandi, who was granted permission to put up a bunk shop in allotment No.115/6240116 and thereafter, the bunk shop was shifted in reference No.MaVa4/30727/05, dated 03.11.2005 by the respondents/Corporation. But, the trading activities was carried on by the petitioner herein. However, the petitioner appears to continue and carry on her 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(MD).No.12188 of 2019 etc., batch of cases and orders were passed from time to time on 12.07.2019, 21.08.2019 and those writ petitions are also pending, wherein, the Corporation was directed to file a 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 her trading activities. Furthermore, the records produced by the respondents show that though licence was granted in the year 2005, the petitioner has unauthorizedly extended her trading activities 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 04.09.2019.

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 eight weeks time from the date of receipt of a copy of this order 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 closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Madurai Corporation,

<https://hcservices.madurais.gov.in/Disputes/>



2.The Assistant Commissioner, (Revenue)
Madurai Corporation,
Madurai District.

+1 CC to Mr.F.DEEPAK, Advocate (SR-86025[F] dated 10/09/2019)

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and

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