



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.20498 of 2019

and

W.M.P. (MD) .Nos.17139 and 17140 of 2019

S.Mookkaiya

... Petitioner

Vs.

The Assistant Commissioner (Revenue)
Corporation of Madurai,
Madurai-625 002.

... Respondent

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 order issued by the respondent in his reference 1062/MS1/010504/19 dated 26.08.2019 and quash the same.

For Petitioner	: Mr.D.Malaichamy
For Respondent	: Mr.Prabhu Ramachandran

ORDER

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

Heard Mr.D.Malaichamy, learned counsel appearing for the petitioner and Mr.Prabhu Ramachandran, learned counsel appearing for the respondent.

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

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.The petitioner was granted permission to put up a small bunk shop No.116, Town Hall Road, Madurai Town, dated 18.08.2006 by the respondent/Corporation. 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(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 2006, the petitioner has unauthorizedly extended his 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(crl side)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Assistant Commissioner(Revenue)
Corporation of Madurai,
Madurai-625 002.

+1CC TO MR.R.PRABU RAMACHANDRAN, Advocate Sr. No.90608
+1CC TO MR.D.MALAICHAMY, Advocate Sr. No. 90852

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SRG (CO)
TR(21.10.2019) 2P 4C

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