



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2019**

CORAM:

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

W.P.(MD).No.20801 of 2019

and

W.M.P.(MD).Nos.17405 and 17406 of 2019

N.Veerasingam

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Maligai,
Tallakulam,
Madurai-625 002.

2.The Assistant Commissioner,
Zone-4 of Madurai Corporation,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the impugned notice in Ma.Va/Ma.Cha.1/01504/19 dated 26.08.2019 issued by the second respondent and quash the same and consequently, directing the respondents to permit the petitioner to continue the business in the premises (Assessed Tax No.6420114) near West Masi Street and Putt Thoppu Corner Petty Shop at Madurai City as leasee of the same.

For Petitioner : Mr.T.R.Janarthanan

For Respondents : Mr.R.Murali

ORDER

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

Heard Mr.T.R.Janarthanan, learned counsel appearing for the petitioner and Mr.R.Murali, learned counsel appearing for the respondents.



2.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.

3.The petitioner was granted licence to put up a small bunk shop in No.V4/78883/91 dated 02.08.1991 and thereafter, the allotment No.115/6420114 in Ward No.84, was issued by the respondents/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 his trading activities. Furthermore, the records produced by the respondents show that though licence was granted in the year 2005, 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.

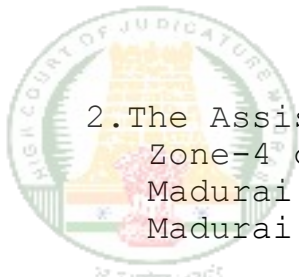
4.Considering the above-stated facts and circumstances, we do not find any ground to interfere with the impugned proceedings and accordingly, this writ petition stands dismissed. However, the petitioner is granted eight weeks time from the date of receipt of a copy of this order, to comply with the direction 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

/TRUE COPY/

Sub Assistant Registrar

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To
1.The Commissioner,
Madurai Corporation,
Anna Maligai,
Tallakulam,
Madurai-625 002.



2.The Assistant Commissioner,
Zone-4 of Madurai Corporation,
Madurai Corporation,
Madurai.

+1 CC to M/s.R. MURALI, Advocate (SR-89913[F] dated 27/09/2019)

+1 CC to M/s.T.R. JANARTHANA, Advocate (SR-90316[F] dated
30/09/2019)

W.P. (MD) .No.20801 of 2019

and

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26.09.2019

JM/15.10.2019/3P/5C