



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)Nos.505 & 511 of 2013

and

M.P(MD)No.1 of 2013

in

W.A(MD)No.511 of 2013

M.Ponnusamy (died)

1.P.Saravanan ... Appellant/Writ Petitioner in both W.As'

Vs.

The Commissioner,
Madurai Corporation,
Madurai - 625 020.

... Respondent/Respondent in both W.As'

(A-1 amended vide order dated 12.09.2017
made in C.M.P(MD)Nos.8226 & 8227 of 2017 in
W.A(MD)Nos.505 & 511 of 2013)

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent to set aside the orders, dated 04.04.2013 and 17.04.2013 made in W.P(MD)Nos.4760 & 6339 of 2013 respectively on the file of this Court.

Prayer in WP(MD). 4760/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to consider the petitioner s representation dated 28.02.2013 requesting the respondent to renew the lease in respect of shop NO. 41, Mattuthavani Bus Stand, Madurai for a period of 3 years from 01.04.2013 to 31.03.2016 within a time limit fixed by this Honourable Court.

Prayer in WP(MD). 6339/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus to call for the records on the file of respondent in Ma.Va.3/002432/2013 dated 01.02.2013 to Quash the same and consequently direct the respondent to consiser the representation of the petitioner in light of G.O.No. 92 Municipal Administration and water supply (Nathi) dated 03.07.2007.



For Appellant : Mr.Niranjana S.Kumar
(in both W.As')
For Respondent : Mr.R.Murali
(in both W.As')

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COMMON JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

These Writ Appeals are directed against the orders, dated 04.04.2013 and 17.04.2013 passed in W.P(MD)Nos.4760 & 6339 of 2013 respectively.

2.One M.Ponnusamy had a partnership with an allottee in shop No.41 at Mattuthavani Bus-stand by name S.P.Samuel Raj. Due to certain misunderstanding, the said S.P.Samuel Raj retiring from the partnership business. Therefore, the said M.Ponnusamy applied for transfer of licence in his name for shop No.41. Accordingly, on 24.10.2007, licence for shop No.41 was given in the name of M.Ponnusamy by transferring the same from the name of S.P.Samuel Raj. However, the said S.P.Samuel Raj had given a petition to the respondent stating that he has come out with the partnership. Based on which, the Madurai Corporation had cancelled the licence given to the said M.Ponnusamy for shop No.41. Hence, the said M.Ponnusamy had filed the above two Writ Petitions, one challenging the name change in his favour and other Writ Petition for forbearing the Corporation from evicting him from the premises. Both the Writ Petitions were dismissed. Aggrieved by which, the present Writ Appeals have been preferred by the appellants.

3.When these matters are taken up for hearing today, the learned counsel appearing for the appellant submitted that the appellant's father viz., M.Ponnusamy Nadar died on 16.04.2015, pending the appeals. Further, he has also produced a document dated 27.05.2015 passed by the Assistant Commissioner (Revenue) in proceeding No.kt3/015458/15, in and by which, the licence standing in the name of the deceased M.Ponnusamy was transferred in the name of his son P.Saravanan/appellant, who is now carrying on the business.

4.In view of the above, these Writ Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

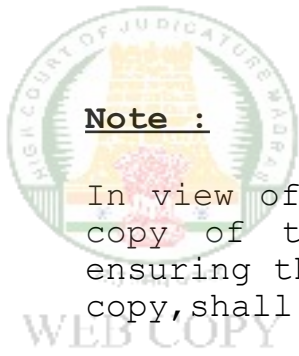
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/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Madurai Corporation,
Madurai - 625 020.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-5438[F] dated
16/02/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-5517[F] dated 17/02/2021)

W.A(MD)Nos.505 & 511 of 2013
16.02.2021

(SE)CO
AP(24/02/2021) 3P 4C