



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.12.2021
CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P. (MD).No. 23294 of 2021
and
WMP(MD) No. 19729 of 2021

Selvarani

... Petitioner

Vs.

The Tanjore Municipal City Corporation
Represented by its Commissioner,
Gandhi Salai, Tanjore,
Tanjore - 613 001,
Tanjore District.

...Respondent

Prayer : Petition filed under Article 226 of Constitution of India for the issuance of a writ of certiorarified mandamus to call for the records performing to the impugned order in Na.Ka.No.10832/2021MCA 5 dated 20.12.2021 on the file of the respondent and quash the same as illegal and consequently forbear the respondent from evicting the petitioner without the due process of law under the principles of Natural Justice and pass orders.

For Petitioner	: Mr. G. Dhanalakshmi
For Respondent	: Mr. A.P. Athimoolapandian Standing Counsel.

O R D E R

Let me not examine the facts of the case in detail. The petitioner, had been issued with a impugned notice stating that the license to run the bunk shop had been cancelled by the respondents herein. The respondents took that step owing to an order of a learned Single Judge in W.P.(MD) No. 16774 of 2021 and connected writ miscellaneous petitions, dated 20.09.2021. The petitioner had been issued with a notice seeking explanation. The petitioner gave an explanation. Thereafter, the petitioner was issued with a notice calling to appear for enquiry. That particular notice was returned as unclaimed. It must be stated that when any notice is returned as unclaimed, it must be presumed that service is deemed sufficient since the postal officials would have left information that a particular notice had been forwarded to the address, that the petitioner had not claimed it and that the petitioner can go over to the post office and collect the notice. The petitioner did not take that step. The petitioner has by her own act invited the notice of cancellation of license.



2. However, one opportunity is given to the petitioner. The petitioner may appear before the respondents on 05.01.2022 between 2 pm and 4 pm and the respondents may enquire the petitioner by making a personal enquiry and thereafter proceed to pass an order as deemed it in manner known to law. Such an order should be passed on or before 10.01.2022. It is pointed out by Mr. A.P. Athimoolapandian, learned Standing counsel for the respondents that all the bunks shops including the petitioner's have now been removed. Anyway let the petitioner be granted an opportunity of being heard by the respondents.

3. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mnr

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,
The Tanjore Municipal City Corporation
Gandhi Salai, Tanjore,
Tanjore - 613 001,
Tanjore District.

+1 CC to M/s.G.DHANALAKSHMI, Advocate (SR-40523[F] dated 29/12/2021)

W.P. (MD).No. 23294 of 2021
and
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29.12.2021

SK(CO)
TR(06.01.2022) 2P 3C