



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.948 of 2022
and
WMP(MD)No.779 of 2022

P.Natrayan

... Petitioner

vs.

The Commissioner,
Madurai Municipal Corporation,
Madurai.

... Respondent

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the respondent in order dated 29.12.2021 and to quash the same as illegal and arbitrary.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji for
M/s.Dhana Law Associates

For Respondent : Mr.P.Aaathimoola Pandian
Standing Counsel

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is filed challenging the notice dated 29.12.2021 in the process of removing the encroachment by the respondent corporation.

2. Admittedly, one R.Palanisamy was a licensee. The licence was granted to him on 10.05.1990 in Proceedings No.V4/17737/90 of the respondent. Subsequently, it was renewed on 18.03.1991. It appears that the said Palanisamy died on 12.12.1998 as has been evidenced by the death certificate issued by the respondent corporation itself. The writ petitioner is the son of the said deceased Palanisamy. The present impugned notice is issued in the name of the dead person by the respondent corporation without even verifying whether the original licensee is alive or dead.



3. The learned counsel for the respondent corporation would submit that the licence of R.Palanisamy was cancelled long bank. Even presuming that his licence was cancelled, it was the bounden duty of the corporation to take possession of the property and appropriately put it in auction or otherwise should grant valid licence to any person who is eligible. Even without verification, the impugned notice is now issued in the name of the dead person which is void.

4. Therefore, the impugned notice is set aside. The respondent corporation is directed to issue appropriate notice of eviction to the petitioner, if he is in occupation of the licenced premises and take appropriate action in this regard.

5. We would only record that the corporation takes due care before issuing any notice in a mechanical manner, to verify the real facts, otherwise, this Court will be flooded with such kind of frivolous litigations.

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

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Commissioner,
Madurai Municipal Corporation,
Madurai.

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-2087[F] dated 21/01/2022)

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MGJ(03.02.2022) 2P 3C