



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)NO.1636 OF 2022

and

W.M.P (MD)Nos.1426 and 1427 of 2022

P.Anbalagan

:Petitioner

.vs.

1.Madurai City Municipal Corporation,
represented by its Commissioner,
Arignar Anna Maligai,
Thallakulam,
Madurai-2.

2.The Assistant Commissioner(Revenue),
Madurai City Muniipal Corporation,
Arignar Anna Maligai,
Thallakulam,
Madurai-2.

3.Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO),
represented by its
Superintendent Engineer/Madurai Metro,
Madurai-7.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order of the second respondent in A1/010504/19, dated 5.12.2022 and to quash the same and consequently to direct the respondents 1 and 2 to effect assessment for the Shop NO.130(assessment No.115/6820010), East Marret Street, near Rajaji Vilaiyadumaithyanam, Madurai in the Petitioner's name as per the proceedings of the first respondent in MaVa3/000122/19, dated 22.02.2019.

For Petitioner

:Mr.K.K.Senthil

For Respondents

:Mr.K.K.Kannan

1 and 2

For Respondent-3

:Mr.S.Deenadhayalan



O R D E R

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

Notice of eviction issued by the Corporation, Madurai, who is the first respondent, is under challenge before this Court.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The name of the Petitioner is P. Anbalagan, son of Periyasamy. The impugned notice of eviction was issued to one Duraipandian stating that his licence Number is 115/6820010. The said licence was issued to him and was renewed periodically from 1.4.2007 to 1.3.2010. It was further renewed till 31.3.2013. Later, the same was transferred to the name of the Petitioner herein by the second respondent in proceedings No. MaVa3/000122/19, dated 22.02.2019. Therefore, as on date, the said P. Anbalagan, who is the Petitioner herein is the licensee and he is doing his business. Further the impugned notice mentioned name of the erstwhile licensee Duraipandian, which is now under challenge. The impugned order further states that the licensee has sub-let the property to a third party and therefore, the licence was cancelled and that the shop has to be vacated within seven days. Based on the said eviction order, the TANGEDCO has disconnected the power supply to the said shop. Therefore, the Petitioner is before this Court.

4. Upon instructions, the learned counsel appearing for the Madurai Corporation has agreed that the original licence was transferred in the name of the present Petitioner and that the notice was issued without verifying the records.

5. In view of the said submission, the impugned notice is quashed and it is for the electricity authorities to restore the power supply to the Petitioner's shop, after verifying the licence of the Petitioner.

6. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

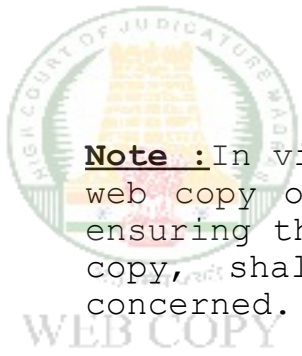
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/ /2022

Sub Assistant Registrar (CS)

vsn

<https://hcservices.ecourts.gov.in/hcservices/>



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

- 1.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Thallakulam,
Madurai-2.
- 2.The Assistant Commissioner(Revenue),
Madurai City Muniipal Corporation,
Arignar Anna Maligai,
Thallakulam,
Madurai-2.
- 3.The Superintendent Engineer/Madurai Metro,
Tamil Nadu Generation and Distribution Corporation
Limited,
(TANGEDCO),
Madurai-7.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-3066[F] dated 31/01/2022)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-3162[F] dated 31/01/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-3200[F] dated 31/01/2022)

ORDER MADE IN
W.P (MD) NO.1636 OF 2022
and
W.M.P (MD) Nos.1426 and
1427 of 2022
31.01.2022

KMV (CO)
GC (09.02.2022) 3P 7C