



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

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

W.P(MD)No.1944 of 2022

and

WMP(MD)No.1667 of 2022

Mathivannan

... Petitioner

vs.

1) The Commissioner,
O/o. Madurai Corporation,
Annamaligai,
Alagar Kovil Main Road,
Madurai.

2) The Assistant Commissioner(Revenue)
O/o. Madurai Corporation,
Annamaligai,
Alagar Kovil Main Road,
Madurai.

3) The Assistant Administrative Engineer(Project),
Division No.2,
Madurai Corporation,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction Notice in A1/010504/19 dated 05.01.2022 on the file of the respondent No.2 and consequential impugned eviction notice dated Nil on the file of Respondent No.1 and quash the same as illegal and consequently forbear the respondents No.1-2 herein from evicting the petitioner from Shop No.362, in Assessment No.6240061, situated at Near Wakf Board College, K.K.Nagar, Madurai, within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Ms.S.Devasena



ORDER

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

The writ petition is challenging the order dated 05.01.2022 passed by the 2nd respondent cancelling the licence of the petitioner and the consequential eviction notice issued by the 1st respondent.

2. The petitioner's licence was cancelled and he was directed to vacate the premises within 7 days from the date of receipt of the impugned notice. The location of the shop is near the Wakf Board College, K.K. Nagar, Madurai. It appears that the licence of the petitioner expired long back and he had made an application in the year 2019 for renewal of the licence. However, the renewal has not happened. Therefore, the possession of the premises by the petitioner is that of an encroacher. Since the petitioner has been running the shop without proper licence and the Corporation has stated that it is blocking the free flow of traffic, he was directed to remove the encroachment after the impugned notice was issued.

3. The learned counsel for the respondents states that the writ petitioner was dispossessed and he is not in possession of the shop.

4. As the petitioner is already been dispossessed, nothing survives in the writ petition for adjudication and as and when he is granted licence, he may run the shop.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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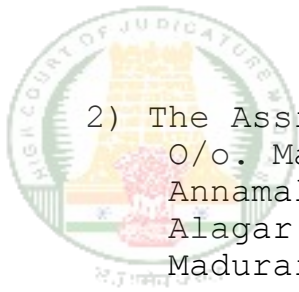
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Sub Assistant Registrar(CS)

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To

- 1) The Commissioner,
O/o. Madurai Corporation,
Annamaligai,
Alagar Kovil Main Road,
Madurai.



2) The Assistant Commissioner(Revenue)
O/o. Madurai Corporation,
Annamaligai,
Alagar Kovil Main Road,
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3) The Assistant Administrative Engineer(Project),
Division No.2,
Madurai Corporation,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3549[F] dated 02/02/2022
)

W.P(MD)No.1944 of 2022

DATED : 01.02.2022

_RD/CK(10.02.2022) 3P 5C