



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.6626 of 2022

and

W.M.P. (MD)No.5118 of 2022

WEB COPY

V.P.Pandi

... Petitioner

vs.

1.The Commissioner,

Madurai Municipal Corporation, Madurai.

2.The Inspector of Police,

CBCID, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned demand notice by the first respondent vide his proceedings Nil, dated 25.03.2022 and quash the same as illegal.

For Petitioner

:Mr.C.Mayilvahana Rajendran

For R1

:Mr.S.Vinayak

For R2

:Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned demand notice issued by the first respondent, dated 25.03.2022 calling upon the petitioner to pay a sum of Rs.1,12,165/- as arrears of rent in respect of the shop occupied by him, which has been let out by the first respondent Corporation.

2.According to him, the impugned demand notice is arbitrary and illegal. The case of the petitioner is that a suit has been filed for attachment of the shop before the Judicial Magistrate-IV, Madurai and the same was dismissed. As against the said order, he filed C.A.No.106 of 2019 on the file of the Principal Sessions Court, Madurai and the same was allowed vide order, dated 28.02.2020. Thereafter, the first respondent did not remove the lock and seal.

3.According to the petitioner, right from 2015, the shop remained closed under lock and seal and was reopened only on 19.12.2021. According to the petitioner, though the shop was not occupied by the petitioner from 2015 onwards till 19.12.2021, the first respondent has issued impugned notice calling upon him to pay



the arrears of rent for the period during which the petitioner had not occupied the subject shop. In such circumstances, this Writ Petition has been filed.

4.Heard Mr.C.Mayilvahana Rajendran, learned Counsel for the petitioner, Mr.S.Vinayak, learned Counsel for the first respondent and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the second respondent.

5.On instructions, the learned Standing Counsel for the first respondent would submit that the impugned demand is only a show cause notice. He would submit that on submission of a reply to the said show cause notice by the petitioner, the first respondent after affording a fair hearing to the petitioner, will pass final orders after considering the contention of the petitioner. The same is recorded.

6.No prejudice will be caused to the petitioner, if such an exercise is done. Though the contention of the petitioner is that the impugned demand is not a show cause notice, since the learned Standing Counsel for the first respondent, on instructions, has categorically stated that the impugned demand is only a show cause notice, this Court treats the same as only a show cause notice.

7.The petitioner is directed to submit a reply to the impugned show cause notice within a period of one week from the date of receipt of a copy of this order. On receipt of the reply from the petitioner, the first respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner or his wife, as the petitioner is currently in jail, within a period of four weeks thereafter. Till final orders are passed, status-quo as on date shall be maintained.

8.With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The Commissioner,
Madurai Municipal Corporation, Madurai.

2.The Inspector of Police,
CBCID, Madurai.

+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-17652[F]
dated 08/04/2022)

+1 CC to M/s.S. VINAYAK, Advocate (SR-18004[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP (SR-17943[F] dated 11/04/2022)

Order made in
W.P. (MD)No.6626 of 2022
08.04.2022

ARK(CO)
GC(21.04.2022) 3P 6C