



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.[MD]No.10257 of 2022

and

W.M.P (MD) Nos.7288 & 7297 of 2022

S.Mookaiya

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Revenue),
Madurai Corporation,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order dated 05.01.2022 passed by the second respondent vide proceeding No.A1/010504/19 and consequent order dated 08.04.2022 passed by the second respondent vide proceedings No.A5/002817/2022 and quash the same was illegal.

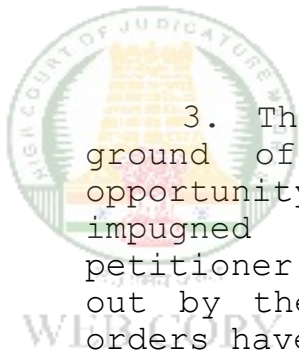
For Petitioner	: Mr.P.Pandi Rani
For Respondents	: Ms.S.Devasena Standing Counsel

O R D E R

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

This writ petition has been filed challenging the order dated 05.01.2022 passed by the second respondent as well as the consequential order dated 08.04.2022 passed by the second respondent.

2. According to the respondents, the petitioner has sublet the subject property and on that ground, the impugned orders have been passed directing him to vacate the property.



3. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice as no opportunity of hearing was granted to him before passing of the impugned orders. It is also categorically contended by the petitioner that without any material to show that the shop was let out by the petitioner in favour of one Kathiresan, the impugned orders have been passed.

4. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner to put forth his case. The petitioner categorically contends that he has not sublet the property as claimed by the respondents in the impugned orders. Since no opportunity of hearing was granted to the petitioner under the impugned order, we are of the considered view that the impugned orders have been passed in violation of principles of natural justice. The petitioner, in support of his contentions has also filed documents along with the writ petition including photographs which according to the petitioner are the photographs of himself doing business in the subject shop. Since the impugned orders have been passed in violation of principles of natural justice, the impugned orders are to be quashed and the matter is to be remanded back to the respondents for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him a right of personal hearing.

5. For the foregoing reasons, the impugned order dated 05.01.2022 passed by the second respondent and the consequential order dated 08.04.2022 passed by the second respondent are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent is directed to pass final orders after affording a fair hearing to the petitioner including granting him a right of personal hearing within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn



To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Revenue),
Madurai Corporation, Madurai City.

Copy To

The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
W.P[MD]No.10257 of 2022
19.05.2022

PKP/26.05.2022/3P/4C