



W.P(MD)Nos.7711 & 7487 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.12.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.7711 & 7487 of 2015

and

M.P(MD)Nos.2 & 3 of 2015

W.P(MD)No.7711 of 2015:

- 1.Mattuthavani Perundhu Nilaiya Kattidathil
Vadagai Seluthum Viyaparigal Nala Sangam,
Represented by its President,
K.Sivanantham.
- 2.Madurai Periyar Perundhu Nilaiyam-
Bharathiyar Shopping Complex Perundhu Nilaiyam
Orunginaindha Viyaparigal Nala Sangam,
Represented by its Secretary,
V.M.Jalaluddeen.
- 3.Sri Meenakshi Bazar Siru Thozhil Viyaparigal Sangam
Represented by its Secretary,
Sirajuddeen.
- 4.Anaithu Kattita Kadai Kaigari viyaparigal Nala Sangam,
Represented by its Secretary,
G.Thiagaraj.



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5.Pandi Bazar Viyaparigal Sangam,
Represented by its Secretary,
S.Suresh.

... Petitioners

Vs.

Madurai Corporation,
Represented by its commissioner,
Office of the Madurai Corporation,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice made in Ve.Aa.No. 133/2015/Se.Ma.Tho.A/Madurai dated 16.04.2015 issued by the respondent published in Daily Thanthi newspaper dated 17.04.2015 and quash the same.

For Petitioners : Mr.PR.Prithiviraj
for Mr.D.Sadiq Raja

For Respondent : Mr.B.Saravanan
Standing Counsel

W.P(MD)No.7487 of 2015:

Madurai Mattuthavani Integrated Bus Stand
Building Shop Traders Association,
Represented by its Secretary,
A.S.Abdul Kadar.

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

... Respondent



W.P(MD)Nos.7711 & 7487 of 2015

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the notice issued by the respondent in Ma.Va. 3/024688/13 dated 16.04.2015 and quash the same.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.B.Saravanan
Standing Counsel

COMMON ORDER

The present writ petitions have been filed challenging a notice issued by the respondent herein, under which the writ petitioners, who are the tenants of various shops owned by the Corporation were intimated that they have to pay 10% penalty, if they have not paid the rent within 10th of every month. The petitioners were also informed that if they have not paid the rent beyond a period of 30 days, they would be imposed penalty of 25%. This order is under challenge in the present writ petition.

2. In Paragraph No.6 of the counter affidavit filed by the



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respondent herein, it has been stated that the notice impugned in the writ petition was issued pursuant to the resolution passed by the Madurai Corporation in Resolution No.830, dated 09.01.2015. In Paragraph No.7 of the said counter affidavit, the respondent has contended that Resolution No.830, dated 09.01.2015 has been recalled and a fresh resolution has been passed on 23.07.2015 in Resolution No.926. The notice impugned in the writ petition is based upon the Resolution No. 830, dated 09.01.2015. Since the resolution itself has been recalled by the respondent/Municipality, the notice issued pursuant to the said resolution is also not enforceable. The fresh resolution in Resolution No. 926, dated 23.07.2015 has not been challenged by the tenants.

3. In view of the above said facts, nothing survives to be adjudicated in the present writ petitions. Hence, both the Writ Petitions stand closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

01.12.2022

Index : Yes / No
Internet : Yes / No
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To

The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai.



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W.P(MD)Nos.7711 & 7487 of 2015

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)Nos.7711 & 7487 of 2015

Dated:
01.12.2022