



WEB COPY



W.P. No. 15730 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 15730 of 2023

and

W.M.P. No. 15200 of 2023

P.Vinodh Kumar

... Petitioner

-VS-

1. The Regional Director of Municipal Administration
Kumaran Shopping Complex
Kumaran Road, Tiruppur – 1.

2. The Commissioner
Udamalpet Municipality
Udamalpet, Tiruppur District.

3. The Junior Engineer
Udamalpet Municipality
Udamalpet, Tiruppur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 30.03.2023 vide Na.Ka. No. 8510/2020/A2, consequential impugned order dated 06.05.2023 vide Na.Ka. No. 8510/2020/A2 and consequential impugned final notice dated 13.05.2023 vide Na.Ka. No. 8510/2020/A2 passed by the Second Respondent, quash the same and direct the Respondents to refix the lease amount proportionate to the present extent of lease hold lands comprised in Ward No. 10, Udamalpet weekly market, Rajendra Road, Udamalpet, Tiruppur District.



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For Petitioner : Mr. R.Kannan

For Respondents : Mr. M.Alagu Gowtham, GA (R1)
Mr. B.Anand (RR2 & 3)

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ORDER

Heard Mr. R.Kannan, Learned Counsel for the Petitioner, Mr. M.Alagu Gowtham, Learned Government Advocate appearing for the First Respondent and Mr. B.Anand, Learned Counsel appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had been granted license to collect toll in the weekly market situated at Rajendra Road in Ward No. 10 of Udumalpet Municipality for the period upto 31.03.2024. As per the prescribed conditions, the Petitioner has to pay the amount quoted by him with increase at 5% for every year in advance and on account of his failure to pay that sum for the period from 01.04.2023 to 31.03.2024 the Second Respondent had sent notice dated 30.03.2023 in Na.Ka. No. 8510/2020/A2, notice dated 06.05.2023 in Na.Ka. No. 8510/2020/A2 and final notice dated 13.05.2023 in Na.Ka. No. 8510/2020/A2, which are challenged in this Writ Petition with consequential direction to re-fix that amount in proportion to the actual extent held by him.



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3. It has been brought to notice that in furtherance to the earlier order dated 18.08.2023, the Petitioner has paid the license fee for the period from 01.04.2023 to 31.03.2024 and after adjusting the waiver granted by the Government he would be permitted to collect the toll upto 31.03.2024 for the weekly market.

4. In view of the subsequent events, nothing remains for further consideration in the Writ Petition. However, it is made clear that no view is expressed by this Court on the rights of the parties on renewal of license beyond 31.03.2024, which would have to be worked out by them before proper forum in accordance with law.

In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.
No costs.

23.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

Maya



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To

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Kumaran Shopping Complex
Kumaran Road, Tiruppur – 1.
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P.D. AUDIKESAVALU, J.

Maya

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