



W.P(MD)No.6083 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6083 of 2023
and WMP(MD)No.5752 of 2023

V.Seetha

... Petitioner

Vs

1. Madurai Corporation,
Through its Commissioner, Anna Maligai,
Madurai.
2. The Assistant Commissioner,
Zone-1, Madurai Corporation, Mdurai.
3. The Assistant Commissioner,
(Revenue) I/c, Madurai Corporation,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records relates to the impugned notice issued by the third respondent in E1/A3/004229/2022, dated 20.12.2022 and quash the same as it is illegal.

For Petitioner : Mr.R.Suriyanarayanan



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For R1 to R3

: Ms.S.Devasena
Standing Counsel

ORDER

The Writ Petition has been filed in the nature of Certiorari, seeking interference in a notice issued by the third respondent in E1/A3/004229/2022, whereby, the third respondent, who, even from glance of the records, has no authority had directed the petitioner herein to vacate the premises, within a period of three months. The impugned notice is dated 20.12.2022.

2.The petitioner is running a Women Self-Help group. They have taken possession of the property at SHG building, measuring 5834 Sq.ft at Milagaranai in Ward No.3 of Zone No.1 of Madurai Corporation, consequent to the lease agreement, dated 06.08.2015, entered between the first respondent/Commissioner, Madurai Corporation and the petitioner. The period of lease is 20 years, i.e., from 06.08.2015 to 06.08.2035. As per Clause 19, tenancy/lease may be terminated by giving a three months notice. Such a termination should be on grounds, which can withstand under the scrutiny of the Court.



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3. In the instant case, such notice was not issued by the first respondent, but the same was issued only by the third respondent. At the time of issuing notice, the third respondent was not the actual Assistant Commissioner. He was only holding in-charge of the first respondent's post. He has no authority to issue such a notice.

4. The learned counsel for the respondents pointed out Clause 9.4 of the lease agreement. But still as pointed out earlier, no action has been taken by the first respondent. The third respondent has no authority to issue any such notice or take any steps against the petitioner, since the parties who had entered in the lease agreement are only the petitioner and the first respondent, not the third respondent.

5. Without entering into further discussion, the impugned notice is set aside.



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6. Accordingly, this Writ Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

20.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

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Madurai.
2. The Assistant Commissioner,
Zone-1, Madurai Corporation, Mdurai.
3. The Assistant Commissioner,,
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C.V.KARTHIKEYAN, J.

PNM

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