



WP(MD)No.9037 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.9037 of 2023
WMP(MD) Nos.8199 & 8200 of 2023

Srinivasan.V

... Petitioner

Vs

The Thanjavur Municipal Corporation,
Through its Commissioner,
Corporation Office,
Thanjavur.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Na.Ka.No. 7485/2022/MCA2 dated 24.03.2023 and quash the same and consequently direct the respondent to issue licence to the petitioner till the original period which ends on 23.04.2025.



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For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

The petitioner is a contractor awarded with a licence to maintain the cycle stand at Thanjavur new bus stand for a period from 28.04.2022 to 27.04.2025. The petitioner has also paid the license fee of Rs.46,23,090/-and also paid the subsequent fee for the year 2023-2024 with an enhanced amount of 5%. Despite the same the respondent Corporation has issued a show cause notice on 07.03.2023 and has also passed an order terminating the license granted to this petitioner. Aggrieved over the same, the present writ petition is filed.

2.The learned counsel appearing for the petitioner submits that the petitioner has not violated any of the license conditions and he has also paid the license fee to the respondent without any delay.



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However, the respondents in order to grant license to some other persons has issued a show cause notice to this petitioner and also passed this impugned order terminating his license.

3.Mr.Dilip kumar, learned Standing Counsel appearing for the respondent Corporation submits that the respondents have received two proceedings from the District Revenue Officer, Thanjavur and another complaint from CM cell alleging that this petitioner has not provided any space for differently abled persons and also abused one of them. Based on a communication which they have received from the District Revenue Officer, they have issued the above show cause notice on 07.03.2023 and also conducted an enquiry. Instead of appearing before the respondent and to co-operate for an enquiry, the petitioner has issued a legal notice and therefore the respondent has passed the impugned order terminating his licence.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner was awarded with the licence in the year 2022 for a period of three years. The petitioner has stated that he has not violated any of the conditions. The show cause notice has been issued by the respondent Corporation based on the complaint received from the Revenue Divisional Officer. The learned counsel for the petitioner submits that he is prepared to file an affidavit of undertaking that he will allot sufficient space for the differently abled persons for parking their vehicles and he will ensure their convenience also. The further course of action taken by the respondent is that the petitioner has not responded to the show cause notice 07.03.2023.



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6. Since the petitioner has now come forward to file an affidavit of undertaking that he will allot sufficient space for the differently abled persons for parking their vehicles and he will also ensure their convenience, this writ petition is allowed. The order impugned in this writ petition is set aside, with a direction to the petitioner to file an affidavit of undertaking before the respondent corporation within a period of one week from the date of receipt of a copy of this order. The respondent Corporation shall also ensure that the petitioner has provided sufficient space for parking of the differently abled persons's vehicles and also ensure that the conditions imposed by the respondent Corporation is strictly complied with by the petitioner. The respondent corporation is also entitled to proceed further with the enquiry, which has been contemplated pursuant to the complaint which they have received from the CM cell after providing sufficient opportunity to the petitioner. No costs. Consequently,



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connected Miscellaneous Petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

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To

The Thanjavur Municipal Corporation,
Through its Commissioner,
Corporation Office,
Thanjavur.



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B.PUGALENDHI, J.

vrn

Order made in
WP.(MD).No.9037 of 2023
WMP(MD) Nos.8199 & 8200 of 2023

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