



W.P(MD)No.28747 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28747 of 2022

and

W.M.P.(MD)No.22731 of 2022

Piraveen

... Petitioner

Vs.

1.The Municipal Commissioner,
Pudukkottai Municipality,
Pudukkottai.

2.City Health Officer,
Pudukkottai Municipality,
Pudukkottai.

3.M.Nandanam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to receive the application of the petitioner seeking license to his shop bearing Door No.8614/5 without insisting upon wealth tax receipt, Professional Tax Receipt, underground sewer connection receipt of the above premises and aadhaar card the 3rd Respondent and consequently direct the 1st and 2nd respondents to process and dispose of the same within a time period fixed by this Court.



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For Petitioner : Mr.K.C.Maniyarasu

For Respondents : Mr.S.Kameswaram,
Government Advocate for R1 & R2.
Mr.K.Baalasundharam for R3.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a tenant under the third respondent. He is running a chicken stall in the petition mentioned premises. There is a dispute between the petitioner and the land lord. A civil suit has also been filed. In the meanwhile, the municipal authority has issued notice to the petitioner since he is conducting his business without trade license. When the petitioner applied for trade license, the first respondent declined to process the same on the ground that certain documents are required. The petitioner has difficulty in producing the documents pertaining to tax receipt in respect the property in question. The landlord is refusing to part with the same.

3.In my view, these documents will be very much available with the municipal authorities. Therefore, they need not call upon the petitioner to



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produce the same. If there are any arrears in respect of portion occupied by the petitioner. the petitioner will have to clear the same. However, the other requirements stipulated by the municipal authorities cannot be dispensed with. The municipal authorities (respondents 1 and 2) are directed to dispose of the petitioner's application for issuance of trade license on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Before granting license, the first respondent shall hear the third respondent also.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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