



W.P(MD)No.28173 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28173 of 2023

and

W.M.P.(MD)Nos.24268 and 24269 of 2023

Thanushkumar

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by the Principal Secretary,
Municipal Administration and Water Supply Department,
State of Tamil Nadu, Fort St. George,
Chennai – 600 009.

2.The Director,
Directorate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai - 600 028.

3.The District Collector,
Office of the District Collector,
Virudhunagar District.

4.The Commissioner,
Office of the Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

... Respondents



W.P(MD)No.28173 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to enable the petitioner to collect toll in two wheeler parking stand attached to Rajapalayam Old Bus Stand by extend the lease period for further three years or any stipulated period on the basis of the petitioner's representation dated 08.11.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 to R3.
Mr.N.Dilipkumar,
Standing Counsel for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner was granted license to collect toll in the two wheeler parking stand attached to Rajapalayam old bus stand. The



W.P(MD)No.28173 of 2023

license period expires on 24.01.2024. The petitioner seeks extension for one more.

3.The learned counsel for the petitioner took me through the averments set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. In particular, he stressed the fact that since renovation works are going on in the old bus stand, the position that obtained when license was originally granted has ceased to hold. It is also submitted that the parking stand is located in the basement portion and that during rainy season, there is acute water logging and inundation.

4.I am not persuaded by the said submission advanced by the learned counsel for the petitioner. A licensee can seek extension only in terms of the license or as per any statutory provision. My attention has not been drawn to any such clause in the license. When the petitioner is not having any legal right as such, the Writ Court will not be justified in directing the local body to renew the petitioner's license.



W.P(MD)No.28173 of 2023

WEB COPY

5.This writ petition is dismissed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Principal Secretary,
Municipal Administration and Water Supply Department,
State of Tamil Nadu, Fort St. George, Chennai – 600 009.
- 2.The Director,
Directorate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai - 600 028.
- 3.The District Collector,
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W.P(MD)No.28173 of 2023



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W.P(MD)No.28173 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.28173 of 2023

29.11.2023