



W.P(MD)No.1127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1127 of 2024
and
W.M.P(MD)No.1148 of 2024

Ayyappan

... Petitioner

Vs.

1.The Commissioner,
Cumbum Municipality,
Theni District.

2.R.Krishnamoorthy

3.Parimala

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No. 1629/2021/H1 dated 14.12.2023 passed by the first respondent and quash the same.

For Petitioner : Mr.M.Vallinayagam
Senior Counsel
for Mr.P.Arun Jayatram

For Respondents : M/s.K.Hemakarthiskeyan for R.1



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Mr.K.P.S.Palanivelrajan
Senior Counsel for R.2 & R.3

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner, the learned Standing Counsel appearing for the Cumbum Municipality and the learned Senior Counsel appearing for the private respondents.

2.The petitioner is having a godown at the petition mentioned premises where he is storing grain. The private respondents herein are residing in the vicinity. Their specific complaint is that the godown is not being maintained in a proper condition and as a result, there is menace of rodents, rats and doves. The complaint was taken on file and the local body passed a restraint order on 24.01.2023. Challenging the same, the petitioner filed W.P(MD)No.3291 of 2023. The writ petition was allowed on 22.11.2023 and the order impugned therein was directed to be treated as show cause notice. After holding enquiry, the impugned order dated 14.12.2023 was passed by the Commissioner, Cumbum Municipality directing the petitioner to shift the godown and in default, the godown will be locked and seal. Challenging the same, the present writ petition has been filed.



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3.After hearing the learned Senior Counsel on either side and the learned Standing Counsel, I am satisfied that an appropriate arrangement can be worked out. My attention is drawn to Rule 289 read with entry 57 of Schedule 2 of Tamil Nadu Urban Local Bodies Rules, 2023 which contemplates taking trade license from the local body. As on date, the petitioner is not having any such license. It is not known what are the other statutory requirements to be complied with by the petitioner.

4.The petitioner is granted four weeks from today to clear all the agricultural products stored inside the godown. The petitioner can apply to the first respondent for obtaining license under Rule 289 in the meanwhile. The first respondent will consider the petitioner's application and also take into account the objections of the respondents 2 and 3 and give a disposal on merits and in accordance with law within a period of four weeks after submission of the application by the writ petitioner. The writ petitioner can use the petition mentioned building as a godown only after getting license from the first respondent.



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5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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