



W.P (MD).No.3884 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.3884 of 2018

Thangavel

... Petitioner

Vs.

1.The Commissioner,
Sivagangai Municipality,
Sivagangai.

2.Gomathi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the first respondent vide his proceedings in Na.Ka.No.3024/2017/A1, dated 31.01.2018 and quash the same as illegal and consequently direct the first respondent to allot the shop No.1 situated in Sivagangai Municipality Bus Stand, Sivagangai to the petitioner.

For Petitioner : Mr.K.P.Krishnadoss

For Respondents : No appearance



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ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 31.01.2018 thereby, rejected the request made by the petitioner for change of licence in his name.

2. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

3. The petitioner had participated in the auction and he was successful in respect of the Shop No.1 to conduct Non-Vegetarian Hotel in the Sivagangai Municipal Bus Stand. While being so, the petitioner has handed over the shop to his staff during the year 2009 since the petitioner fell ill. Thereafter, his staff changed the licence in the name of the second respondent, who is none other than his wife. Therefore, the petitioner submitted a representation to re-issue of licence in the name of the petitioner.

4. On perusal of the records revealed that though the petitioner was originally allotted the said shop, he could not able to continue the business and handed over to one Kanagaraj, subsequently, the shop was also leased out in



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favour of the second respondent. On the application submitted by the second respondent's husband, license was also transferred in the name of the second respondent. In the meanwhile, the second respondent's husband died. After a period of nearly 8 years from the date of change of licence in favour of the second respondent, the petitioner made a representation to cancel the license and re-issue of licence in his favour. Further, the petitioner failed to produce any document to show that he had paid rent and other amenity charges. On the other hand, the second respondent produced all the records to show that she is in possession and she was granted licence. Therefore, the request made by the petitioner is rightly rejected.

5. This Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, the writ petition stands dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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