



W.P.(MD)No.25403 & 25404 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.25403 & 25404 of 2024
and W.M.P.(MD)Nos.21549, 21551, 21552, 21570 to 21572 of 2024

K.P.Kamaraj

... Petitioner in
W.P.(MD)No.25403/2024

P.Inbanathan

... Petitioner in
W.P.(MD)No.25404/2024

Vs.

The Madurai Corporation,
Rep. By its Commissioner,
Anna Mazhigai,
K.K.Nagar,
Madurai District.

... Respondent in
both W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ma1/Z3/004485/2024, dated 23.09.2024 on the file of the respondent and quash the same as illegal and consequently forbearing the respondent from cancelling the license and evicting the petitioners from their shop in Shop Nos.8 and 4



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respectively, Naganakulam Panchayat Commercial Complex, Narayanapuram, Madurai District without following the due process of law within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
(In both W.Ps)

For Respondent : Mr.Vidhya Sagar
(In both W.Ps)

COMMON ORDER

These Writ Petitions have been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ma1/Z3/004485/2024, dated 23.09.2024 on the file of the respondent and quash the same as illegal and consequently forbearing the respondent from cancelling the license and evicting the petitioners from their shop in Shop Nos.8 and 4 respectively, Naganakulam Panchayat Commercial Complex, Narayanapuram, Madurai District without following the due process of law within the time frame stipulated by this Court.



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2. According to the petitioners, they are running shops in Naganakulam Panchayat Commercial Compex, which was constructed in the year 1999. There are 18 shops and now the same is under the control of the Madurai Corporation and they have been paying the rent to the Corporation till date without fail. All of a sudden, the impugned orders were passed directing the petitioners to evict the shop and their license have also been cancelled without giving any opportunity or any notice. Hence, the petitioners have filed these Writ Petitions.

3. The learned counsel appearing for the respondent Corporation would submit that the building has been originally constructed by the Naganakulam Panchayat in the year 1989 and thereafter, the same is now under the control of the Madurai Corporation. He further submitted that they have received a complaint and when they enquired, it came to light that the buildings are constructed in the water body and the buildings are in a dilapidated conditions. Hence, PWD Officials conducted inspections and on their instructions, the licenses have been cancelled.

4. Considering the fact that no opportunity has been given before issuing the impugned orders, the petitioners shall treat the impugned orders as show cause



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notices and they will give their explanation to the said show cause notices, within a period of 15 days from the date of receipt of a copy of this order. After receipt of such explanations, the respondent shall conduct an enquiry pass an order after giving opportunity to the petitioners, in accordance with law, within a period of 15 days thereafter.

5. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

The Commissioner,
Madurai Corporation,
Anna Mazhigai,
K.K.Nagar,
Madurai District.



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N.SATHISH KUMAR, J.

vsm

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