



W.P.(MD) No.20063 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.20063 of 2017

and

W.M.P.(MD)No.16322 of 2017

M.Sait Badusha

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
Srirangam Division,
Tiruchirappalli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the impugned order passed by the 2nd



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respondent herein in his proceedings in Na.Ka.No.A1/6265/2016/ Sri dated 11.10.2017 received by the Petitioner on 26.10.2017 and quash the same as illegal.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.R.Kishore Ram
for M/s.R.B.Law Associates

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Certiorari calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No. A1/6265/2016/ Sri dated 11.10.2017 received by the Petitioner on 26.10.2017 and quash the same as illegal.

2. According to the petitioner, an order has been passed by the respondent Municipality by granting renewal of license in favour of the petitioner to run the petty shop for the period from 01.04.2013 to 31.03.2016. Subsequently, through



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the impugned order dated 11.10.2017, the second respondent cancelled the lease agreement of the petitioner. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the impugned order has been passed without providing opportunity to the petitioner and no notice has been served to the petitioner. Therefore, the said order is liable to be set aside.

4. The learned Standing Counsel appearing for the respondents Corporation submits that the said period has already been over and therefore, now the petitioner cannot entitle to seek for further period or to restore the shop in the aforesaid property in question.

5. Considering the facts and circumstances of the case, we are of the view that since the cancellation order has been passed without providing an opportunity to the petitioner, we direct the petitioner to make an



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application/representation seeking for renewal of license before the respondents Municipality, with all the relevant documents and materials, within a period of two weeks from the date of receipt of a copy of this order. If any such representation/application is made, the respondents shall consider the same and pass orders in accordance with law, if he is otherwise eligible. If the petitioner is aggrieved against the reasons stated in the order which is to be passed by the respondents, it is open to the petitioner to work out his remedy before the appropriate forum.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
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