



W.P.(MD)No.2344 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2344 of 2025

and

W.M.P.(MD)No.1661 of 2025

M.Bhuvaneswari

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai City,
Madurai.

2.The Assistant Commissioner (Revenue),
Zone – II North,
Madurai Corporation,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order, which passed by the second respondent in A3/15626/2024, dated 06.01.2025 and quash the same as illegal, arbitrary, inoperative in law.

For Petitioner	: Ms.M.Mahalakshmi
For Respondents	: Mr.S.Vidyasagar Standing Counsel

ORDER

Challenging the cancellation order of the licence issued to the petitioner's husband, this Writ Petition is filed.



W.P.(MD)No.2344 of 2025

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2. Heard the learned counsels on either side and carefully perused the entire materials available on record.

3. A careful perusal of the impugned order would reveal that on 03.01.2025, one Nallakaman appeared before the respondent Corporation in an enquiry initiated on the petitioner's application dated 26.12.2024 and sought time for the appearance of the petitioner and her husband. However, without considering the same, negating the aforesaid Nallakaman's request and without giving an opportunity of hearing to the petitioner and her husband in the name of implementing the order passed by the Hon'ble Division Bench of this Court in W.P.(MD)Nos.12188, 4339 and 13026 of 2019 dated 21.08.2019, this impugned order came to be passed

4. When the matter came up for hearing, the learned counsel appearing for the petitioner pathetically submitted that the petitioner and her husband are senior citizens and they were thrown off from the bunk shop and the bunk shop itself has been removed on 25.01.2025, insisting that an opportunity of hearing was not given to them and it would amount to violation of principle of natural justice, she required this Court to direct the respondent Corporation to restore the petitioner's bunk shop.



W.P.(MD)No.2344 of 2025

5.The learned Standing Counsel appearing for the Corporation vehemently submitted that the allegation thrown by the learned counsel for the petitioner is completely false and it is only the delaying tactics of the petitioner, who had sent that said Nallakaman on 03.01.2025, requiring further adjournment of the enquiry for the appearance of the petitioner and only for the purpose of implementation of the order of this Court, considering the fact that the petitioner and her husband are encroachers, the said exercise has been done and there is no mistake on the part of the Corporation for having evicted the petitioner forcefully and removed the bunk shop and accordingly, insisted for dismissal of the Writ Petition.

6.As rightly pointed out by the petitioner, the licence bearing Ref.No.M.V.No.4/34821/10, on the basis of the application of the petitioner's husband dated 09.12.2009, was issued by the respondent Corporation to the petitioner's husband for the conduct of roadside shop No. 251 which is subject to tax Assessment bearing No.6240053 transferring the same from one Thiru.Nagalingam to the petitioner's husband's name, Thiru.N.Muniyandi and more particularly, it is pertinent to mention that there is no license period mentioned in the said license. As such, the currency of license is not fixed by the respondent Corporation. The petitioner and her husband are relying entirely on the smallest business conducted in shop No.251 for their livelihood since 2010, i.e., for the past more than 15 years and all of sudden, the attitude of the Corporation,



W.P.(MD)No.2344 of 2025

without making an alternate arrangement for the street vendors for their livelihood in the name of implementing the order of the Hon'ble Division Court of this Court, ought not to have chunked them off and removed the bunk in an inhuman manner. Accordingly, the impugned order is quashed and the respondent Corporation is directed to forthwith restore the bunk shop and serve appropriate notice on the petitioner and give appropriate opportunity of hearing before cancelling the license and reissue the license for a proper valid license period and make sure that their livelihood is safeguarded.

7. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



W.P.(MD)No.2344 of 2025

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To

- 1.The Commissioner,
Madurai Corporation,
Madurai City,
Madurai.
- 2.The Assistant Commissioner (Revenue),
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W.P.(MD)No.2344 of 2025

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.2344 of 2025

29.01.2025