



W.P.(MD)No.6734 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6734 of 2025

and

W.M.P.(MD)No.4992 of 2025

S.Ezhilvendhan

... Petitioner

-VS-

1.Melur Municipality,
Represented by its Commissioner,
Melur,
Madurai District.

2.The Commissioner,
Melur Municipality, Melur,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records related to impugned proceedings Na.Ka.No.286/2025/A2, dated 24.02.2025 passed by the second respondent and issue a consequential direction to the first respondent to extend the period of the license granted to the petitioner to collect user fees charges in the Melur Municipal Weekly Market in light of G.O.Ms.No.92 dated 03.07.2007 as well as G.O.Ms.No.66 dated 06.08.2024 Municipal Administration and Water Supply Department.



W.P.(MD)No.6734 of 2025

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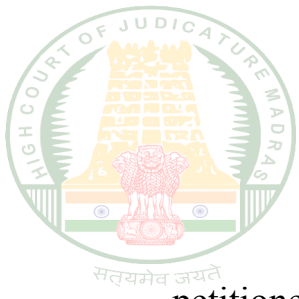
For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.Pandiayarajan
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the impugned proceedings of the second respondent in Na.Ka.No.286/2025/A2, dated 24.02.2025 and to issue a consequential direction to the first respondent to extend the period of license granted to the petitioner to collect user fee charges in the Melur Municipal Weekly Market in the light of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 as well as G.O.Ms.No.66, Municipal Administration and Water Supply Department, dated 06.08.2024.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that the license/right to collect user fee charges in the municipal weekly market was granted to the



W.P.(MD)No.6734 of 2025

petitioner by the respondent vide Resolution No.67, dated 03.06.2022, followed by the proceedings of the Commissioner of the respondent Municipality, dated 03.06.2022. The learned counsel for the petitioner further submits that the respondent Municipality was in the process of demolishing the daily market complex and was reconstructing it. Due to the construction work carried out by the respondent Municipality in the daily vegetable market, the shops located in the daily market were relocated to the weekly market for cattle, where the petitioner had been granted the right to collect the prescribed user fee from the persons coming to the market. As a result, the daily vegetable market was operated within the weekly market for several months. All 100 vegetable shops and other shops from the daily market were shifted to the weekly market and the daily market continued to operate there for more than two and a half years from 2022 to 2025, which severely impacted the functionality of the weekly market, causing serious business losses and financial constraints for the petitioner.

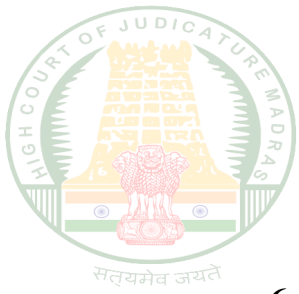
4. The learned counsel further submits that the bid amount, along with the applicable tax, has been duly paid for the past three years and there are no arrears in the license amount. The petitioner is entitled to an extension of the license



W.P.(MD)No.6734 of 2025

period as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. Further, as per G.O.(2U)No.66, Municipal Administration and Water Supply (Municipal Administration - 4) Department, dated 06.08.2024, a license may be renewed before its expiration, *i.e.*, a 3-year license can be renewed at 2 and a half years, a 6-year license at 5 and a half years, and a 9-year license at 8 and a half years. The respondent Municipality has acknowledged the applicability of these Government Orders in its tender notification. On 10.01.2025, the petitioner submitted a detailed representation, requesting an extension of the license period to continue business in the weekly market. However, the respondent Municipality did not accede to the petitioner's request and passed the impugned order dated 24.02.2025, which the petitioner contends violates the fundamental rights guaranteed under Articles 14, 19, and 21 of the Constitution of India.

5. The learned counsel for the petitioner also submits that in passing the impugned order, the respondent Municipality did not adhere to Sections 77 and 78 of the Tamil Nadu Urban Local Bodies Act, 1998.



W.P.(MD)No.6734 of 2025

WEB COPY

6. The learned Additional Advocate General appearing for the respondent Municipality submits that the petitioner's claim for an extension of the license, is without merit. The petitioner was granted the right to collect prescribed user fees in the weekly market as per the Resolution No.67, dated 03.06.2022. The shifting of the daily market to the weekly market was a temporary measure due to the demolition and reconstruction of the daily market complex, which was beyond the control of the respondent Municipality. It is further submitted that the weekly market was primarily designated for cattle-related business and the temporary use of the space for vegetable shops was a provisional arrangement, which was not intended to last indefinitely.

7. The learned Additional Advocate General further submits that the petitioner has no automatic right to an extension of the license beyond the prescribed term. The Government Orders cited by the petitioner regarding early renewal of licenses are not applicable in this case, as the situation does not justify a renewal at this stage. Furthermore, the tender notification issued by the respondent Municipality was clear regarding the terms of the license and the petitioner has not complied with all the terms and conditions as stipulated.



W.P.(MD)No.6734 of 2025

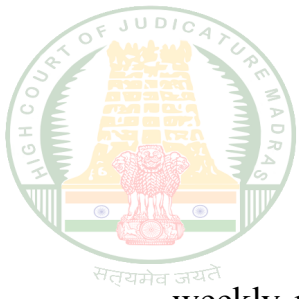
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8. The learned Additional Advocate General further submits that the impugned order, dated 24.02.2025, was issued after careful consideration of all relevant factors, including the petitioner's representation. The Municipal Commissioner, in his discretion, decided not to extend the license period based on operational and legal considerations and therefore, the petitioner's challenge to the impugned order is unwarranted.

9. The learned Additional Advocate General appearing for the respondent Municipality denies any violation of Articles 14 or 19 or 21 of the Constitution of India, as claimed by the petitioner. The petitioner's rights have not been infringed upon and the respondent Municipality has acted within its statutory powers in issuing the impugned order.

10. Heard both sides.

11. After hearing both parties and considering the submissions made, this Court is of the opinion that the matter requires further consideration by the respondent Municipality. This Court is of the opinion that that the petitioner has raised valid points regarding the impact of shifting of the daily market and the financial constraints faced by the petitioner as a result of the prolonged use of the



W.P.(MD)No.6734 of 2025

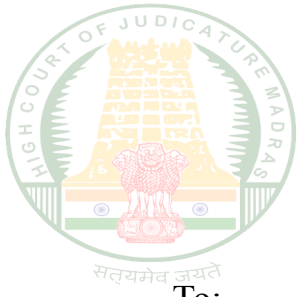
weekly market for vegetable shops. Further, while passing the impugned order, Sections 77 and 78 of the Tamil Nadu Urban Local Bodies Act, 1998, have not been followed.

12. In view of the above, the impugned order passed by the second respondent, dated 24.02.2025, is set aside and the matter be remanded back to the respondent Municipal Council for a fresh consideration of the petitioner's request for an extension of the license period. The respondent Municipal Council is directed to pass appropriate orders in accordance with law, within one month from the date of receipt of a copy of this order, after considering all the relevant facts, documents and legal provisions. In the interregnum, the respondents shall maintain *status quo* prevailing as on date.

13. The Writ Petition stands allowed on the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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12.03.2025



W.P.(MD)No.6734 of 2025

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Melur,
Madurai District.
- 2.The Commissioner,
Melur Municipality, Melur,
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W.P.(MD)No.6734 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.6734 of 2025

12.03.2025