



W.P(MD)No.15686 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.15686 of 2020
and
W.M.P.(MD) Nos.13160 and 13163 of 2020**

D.Balaprasad

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Revenue),
Madurai Corporation,
Zone-2, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in Mava2/masa1/010504/19 issued by the 2nd respondent corporation dated 20.10.2020 and quash the same and consequently direct the 1st respondent to provide an alternate shop to the petitioner.

For Petitioner : Ms.B.Asha

For Respondents : Mr.S.Vinayak
Standing Counsel



W.P(MD)No.15686 of 2020

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ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice issued by the Commissioner, Madurai Corporation in pursuance to the orders of this Court dated 02.07.2019 in W.P.(MD) Nos.12188, 4339 and 13026 of 2019 is under challenge in the present writ proceedings.

2. The impugned notice reveals that encroachers themselves have to clear the encroachment failing which action will be initiated. The Corporation Authorities found that unlicensed shops are functioning and in the absence of any valid licence, the shops are liable to be removed.

3. This writ petition has been instituted in the year 2020. No writ against a notice is entertainable, unless it is issued by an incompetent authority. Since the writ petition is pending for the past about five years, the respondents are directed to provide one opportunity to the petitioner to submit his representation along with documents, if any.



W.P(MD)No.15686 of 2020

WEB COPY

4. Accordingly, the petitioner is at liberty to submit his explanation/defence statement, if any, along with the documents to the second respondent, who in turn, shall look into the same, take a final decision and thereafter, remove the unlicensed shops, bunk shops and encroachments in public interest and to protect the public properties for the benefit of the people in general. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

07.07.2025

Index:Yes

Internet:Yes/No

NCC:Yes/No

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W.P(MD)No.15686 of 2020

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

abr

To

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner (Revenue),
Madurai Corporation,
Zone-2, Madurai.

W.P(MD)No.15686 of 2020

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