



W.P.(MD)No.24137 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.24137 of 2025

and

W.M.P(MD)Nos.18936 and 18937 of 2025

R.Gomathi

... Petitioner

/Vs./

1.The Municipal Commissioner,
Madurai Corporation
Madurai,
Madurai District.

2.The Deputy Commissioner,
Madurai Corporation,
Madurai,
Madurai District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, to call for the records pertaining to the impugned order in A4/0019051/2021 dated 20.08.2025 passed by the 2nd respondent and quash the same and directing the

1/8



W.P.(MD)No.24137 of 2025

respondents to permit the petitioner to run his shop in the very same premises situated at Shop No.2, 70, Feet Road, Ellis Nagar, Madurai(bearing Taxation No.6420185).

For Petitioner : Mr.B.Vinothkumar

For R1 & R2 : Mr.K.K.Kannan
Standing Counsel

ORDER

(Order of the Court was made by **C.KUMARAPPAN, J.**)

The present writ petition has been filed challenging the impugned order of eviction dated 20.08.2025 issued by the second respondent.

2.Heard Mr.B.Vinothkumar, learned counsel appearing for the petitioner and Mr.K.K.Kannan, learned Standing Counsel appearing for the first and second respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner had been running a tea shop in the road pavement from the year 2012. It is his further submission that, in the first



W.P.(MD)No.24137 of 2025

round of litigation, the order of eviction issued by the respondents was upheld by the Hon'ble Supreme Court in S.L.P. Diary No.30386/2023 dated 09.02.2024. The reason for dismissal is that there were no renewal of license for shop. Whereas, subsequently, the petitioner has paid license fee for renewal. Therefore, notwithstanding the order of the Hon'ble Supreme Court, the present impugned order for removal of encroachment is not maintainable. It is the further submission of the petitioner that she has been singled out and while removing the encroachment left the other encroachment untouched. Hence, prayed to interfere with the same.

4.Per contra, the said contention was stoutly objected by the learned Standing Counsel appearing for the respondents and would contend that the present impugned order was passed, in pursuance of the order of this Court in W.P(MD)No.4339 of 2019 etc batch, dated 30.06.2025. Therefore, the petitioner cannot have any grievance against the impugned order. It is also their submission that. since the encroachment of the petitioner removed on 03.09.2025, nothing survives for adjudication in the present writ petition. Hence, prayed to dismiss the



W.P.(MD)No.24137 of 2025

writ petition.

WEB COPY

5.We have given our anxious consideration to the either side submission and perused the materials available on record.

6.On perusal of the counter statement, the same categorically refer that the petitioner's encroachment was removed as early as on 03.09.2025, and which factum was not seriously disputed by the petitioner. But, she contended that the petitioner was singled out, leaving the other encroachment untouched. We cannot countenance such argument, as the petitioner being an encroacher her encroachment cannot be justified from this argument; as the petitioner cannot seek any relief under negative equality.

7.Apart from that, it is an admitted fact that the petitioner has challenged the previous eviction proceedings in W.P(MD)No.439 of 2022 order dated 11.01.2022 and the said writ petition was dismissed by confirming the eviction proceedings. When the petitioner preferred an



W.P.(MD)No.24137 of 2025

appeal before the Hon'ble Supreme Court, the Hon'ble Supreme Court has also dismissed the appeal by confirming the order of the Division Bench. Therefore, we are of the firm view that the challenge regarding the removal of encroachment has come to its logical conclusion and by virtue of the order of the Hon'ble Supreme Court, the petitioner ought to have been vacated the place.

8.Since there was a delay in removing the encroachment by the petitioner, it appears that a public interest litigation was initiated by a group of persons under different writ petition and in the writ petition in W.P(MD)No.4339 of 2019, this Court vide order dated 30.06.2025 directed the authority to remove the encroachment within a period of 12 weeks from the date of receipt of a copy of this order. Therefore, only by way of compliance to this Court's order the present impugned order had been issued on 20.08.2025.

9.Now the petitioner would submit that his license has been renewed. This factum was strongly disputed by the respondent. But the



W.P.(MD)No.24137 of 2025

fact remains that the petitioner being an encroacher even for argument sake, if there is any renewal of license, it will no way helpful to the petitioner to continue the encroachment. Therefore, this Court does not find any merits in the present writ petition.

10. In view of the above detailed discussion, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
21.11.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
Ns



WEB COPY



W.P.(MD)No.24137 of 2025

To

- 1.The Municipal Commissioner,
Madurai Corporation
Madurai,
Madurai District.
- 2.The Deputy Commissioner,
Madurai Corporation,
Madurai,
Madurai District.



WEB COPY



W.P.(MD)No.24137 of 2025

DR.ANITA SUMANTH, J.

AND

C.KUMARAPPAN, J.

Ns

Order made in
W.P.(MD)No.24137 of 2025

and

W.M.P(MD)Nos.18936 and 18937 of 2025

Dated:
21.11.2025