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W.P(MD)No.33096 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.33096 of 2025

P.Siva Perumal

..Petitioner

Vs

1.The District Collector
Collector's Office, Nagercoil,
Kanyakumari District.

2. The Commissioner,
Kanyakumari Municipality,
Kanyakumari District. 629 702.

..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 relating to the impugned proceedings of the 2nd respondent in Na.KA.No.569/2025/A2 dated 31.10.2025 and quash the same and consequently direct the respondents 1 and 2 to refund a proportionate amount to the petitioner for the restrained period of 13 days from 20.12.2024 to 01.01.2025 out of the total 66 days from 16.11.2024 to 20.01.2025 during the Tourist season in respect of the license sanctioned to the petitioner to collect the user/parking fee from Vehicles at the newly cleared Bio-Mining Site of Kannyakumari Municipality.



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For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.A.Kannan
Addl. Govt. Pleader (for R1)

Mr.H.Arumugam (for R2)

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.No.569/2025/A2 dated 31.10.2025, quash the same, and consequently direct respondents 1 and 2 to refund a proportionate amount to the petitioner for the restrained period of 13 days, i.e., from 20.12.2024 to 01.01.2025, out of the total licence period of 66 days from 16.11.2024 to 20.01.2025 during the tourist season, in respect of the licence granted to the petitioner to collect user/parking fees from vehicles at the newly cleared Bio-Mining Site of Kanyakumari Municipality.

2. Heard Mr.N.Dilipkumar, learned counsel for the petitioner; Mr.A.Kannan, learned Additional Government Pleader for the first respondent; and Mr.H.Arumugam, learned Standing Counsel for the second respondent.



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3. The learned counsel for the petitioner contended that the impugned proceedings are vitiated since the respondents curtailed the licence period without issuing any prior notice and without affording the petitioner an opportunity of hearing, thereby violating the principles of natural justice. Therefore, the consequential denial of proportionate refund is arbitrary, illegal and unsustainable.

4. The learned Standing Counsel for the second respondent, while supporting the impugned order, submitted that the restriction was imposed due to administrative exigencies during the tourist season and in the interest of public convenience. However, he fairly conceded that no individual notice or personal hearing was given to the petitioner prior to passing the impugned order.

5. Upon consideration, it is evident that the impugned order has been passed without issuing notice to the petitioner and without providing an opportunity of hearing. Such non-compliance with the principles of natural justice vitiates the proceedings.

6. Accordingly, the impugned order is set aside. The respondents are at liberty to pass fresh orders after issuing due notice to the petitioner and after affording him an opportunity of being heard.



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7. The writ petition is allowed. No costs.

19.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

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P.T.ASHA, J.

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