



W.P.(MD) No.33714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.33714 of 2025

J.P.Kennedy

... Petitioner

-VS-

The Commissioner,
Colachel Municipality,
Colachel, Kanyakumari District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent herein to refund a sum of Rs.1,90,800/- with interest to the petitioner for non collecting the license fees from the street vendors from 01.09.2025 in the light of the order passed by the Hon'ble Division Bench of this Court in W.A(MD).No.758 of 2024 within the time limit as stipulated by this Court.

For Petitioner	:	Mr.K.Hemakarthikeyan
For R1	:	Mr.P.Aathimoolapandian
		Standing Counsel

ORDER

This writ petition has been filed seeking Mandamus to direct the respondent herein to refund a sum of Rs.1,90,800/- with interest to the petitioner



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for non collecting the license fees from the street vendors from 01.09.2025 in the light of the order passed by the Hon'ble Division Bench of this Court in W.A(MD).No.758 of 2024 within the time limit as stipulated by this Court.

2. Heard the arguments of the learned counsel appearing for the petitioner and Mr.P.Aathimoola Pandian, learned Standing Counsel, who takes notice on behalf of the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he was issued license on 28.03.2024 by the respondent for collecting fees from the shop owners as well as the street vendors, who are running shops within the respondent municipality, for three years i.e., from 01.04.2024 to 31.03.2027. There are 18 street vendors in total. The petitioner has been collecting fees for a sum of Rs.50/- per day from each street vendor. As per the conditions of license, the license fee will be increased by 5% from the existing license fee for 2nd and 3rd years. Accordingly, the petitioner has also paid the enhanced licence fee of Rs.6,95,973/- to the respondent municipality for the period from 01.04.2025 to 31.03.2026. As per the renewal of license, the petitioner is entitled to collect fees from the market as well



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as from the street vendors for the above said period. It is the contention of the petitioner that the street vendors have regularly paid their fees to the petitioner till 31.08.2025. However, from 01.09.2025 onwards, the street vendors have refused to pay fees to him. When the same was questioned by the petitioner, the street vendors informed him that the Town Planning Officer of the respondent municipality has instructed them to pay the said fee directly to the municipality. In this regard, the petitioner has sent a representation to the respondent on 03.09.2025. Subsequently, the petitioner was given a letter dated 26.08.2025 issued by the Commissioner of Municipal Administration, Chennai, to all the Urban Local Bodies within the State, in which, it was informed that “ in the reference 5th cited judgment, which has been passed by the Madurai Bench of Madras High Court, that “the practice of issuing licence to private individuals for collecting street vending fee would stand banned w.e.f 01.09.2025'.

4. The petitioner would submit that as per the judgment of the Hon'ble Division Bench of this Court in W.A(MD).No.758 of 2024, the petitioner is not entitled to collect fees from the street vendors. However, he is entitled to the refund of the amount that was paid for a period from 01.09.2025 to 31.03.2026 in respect of street vending shops. Hence, the petitioner has sent a representation



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dated 07.11.2025 to the respondent stating that he has received a sum of Rs.50/- from each street vendor and totally, there are 18 street vending shops. He has paid a sum of Rs.6,95,973/- including those 18 street vending shops. Hence, the amount of Rs.1,90,800/- in respect of 18 street vending shops for a period from 01.09.2025 to 31.03.2025 should be refunded to him. The said representation has not been considered so far. Hence, the petitioner is before this Court.

5. On a perusal of the judgment of the Hon'ble Division Bench of this Court in W.A(MD).No.758 of 2024, dated 25.07.2025, it has been held as follows:

“.....

5.It is undertaken before us that this practice of issuing license to private individuals for collecting street vending fees would stand banned with effect from 01.09.2025. We also direct Ramanathapuram Municipality to refund the proportionate amount to the appellant herein without any further delay.

6.There is some dispute between the appellant and the local body regarding the period of license enjoyed by him. According to the local body, it is 122 days. In any event, interim injunction was granted on 31.07.2023 and since then, the appellant has not been able to enjoy the fruits of the license. Hence, it shall be taken as the reckoning date. The amount to be refunded to the appellant will be



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for the period from 31.07.2023 to 26.03.2024. It shall also carry interest at the rate of 6% per annum. “

6. In view of the above, the respondent is duty bound to give effect to the aforesaid judgment. Therefore, the respondent is directed to comply with the judgment of the Hon'ble Division Bench of this Court in W.A(MD).No.758 of 2024 dated 25.07.2025 within a period of four weeks from today i.e., 25.11.2025.

7. With the above direction, this Writ Petition is disposed of. No costs.

25.11.2025

NCC : Yes/No
Index : Yes/No
Rmk

To
The Commissioner,
Colachel Municipality,
Colachel, Kanyakumari District.



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P.T.ASHA, J.

Rmk

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