

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.16382, 16383, 18347 to 18351, 22132 to 22138, 25337 and 25339 of 2015 and all connected pending MPs

T.Selvakumar ...Petitioner in WP.16382/15
A.U.Karunakaran ...Petitioner in WP.16383/15
P.Gnanasambandam ...Petitioner in WP.18347/15
G.Gurusankar ...Petitioner in WP.18348/15
K.Muthusamy ...Petitioner in WP.18349/15
S.Vincent Joseph ...Petitioner in WP.18350/15
M.Logambal ...Petitioner in WP.18351/15
S.Anthoniraj ...Petitioner in WP.22132/15
M.Rajendaran ...Petitioner in WP.22133/15
V.Manimekalai ...Petitioner in WP.22134/15
K.Murugesan ...Petitioner in WP.22135/15
A.Mohammed Khader ...Petitioner in WP.22136/15
K.Senthil Kumar ...Petitioner in WP.22137/15
K.Viswanathan ...Petitioner in WP.22138/15
R.Vetrivel Chezhiyan ...Petitioner in WP.25337/15
A.Sivakami ...Petitioner in WP.25339/15

Vs

1. The Secretary to Government,
Municipal and Water Supply
Department, Fort.St.George,
Chennai-9.
2. Udumalpet Municipality,
through its Chairman,
Udumalpet. ...Respondents 1 & 2 in all WPs
except 25337/15
3. Saravana Kumar,
Municipal Commissioner,
Udumalpet. ...3rd Respondent in WP.16382 &
16383/15

1. The Secretary to Government,
Municipal and Water Supply
Department, Fort.St.George,
Chennai-9.

2. Director, L.F.Audit Department,
Kuralagam, 4th Floor,
Chennai - 9.

3. The Commissioner,
Udumalpet Municipality,
Tiruppur District.

...Respondents in WP.25337/15

(R3 Suo moto impleaded as per Order
dated 14.08.2015 in WP.25337/15)

N.Konnammal

...4th Respondent in WP.25339/15

(R4 is impleaded as per order
dated 19.11.2015 in MP.2/15
in WP.25339/15)

Petitions under Article 226 of the Constitution of India, praying to issue a 1) Writs of Declaration declaring the 2nd Respondents resolution number 1789, dated 01.04.2015, and the auction dated 21.04.2015 as being ultravires the 1st Respondent's G.O.Ms.92D/3/7/07 and articles 19 & 21 of the constitution. (in WP Nos.16382, 16383, 18347 to 18351, 22132 to 22138 and 25339 of 2015 respectively)

2) Writ of Mandamus to the respondents 1 and 2 to take appropriate action for theft of Money, and probe how the 1 lakhs was spent and for who was paid off. (in WP.No.25337 of 2015)

Petitioners : No appearance

For State : Mr.R.Rajeswaran, SGP

For Respondents : Mr.A.S.Thambusamy
2 and 3 in all WPs

COMMON ORDER

In all the writ petitions, the petitioners, in effect, questioned the auction conducted by the second respondent Municipality in respect of the leasehold right of the shops owned by the Municipality.

2. On 16.11.2015 and 19.11.2015, as the case may be, when the cases came up for hearing, this Court took into consideration the letter of Mr.R.Mathankumar, learned counsel on record for the petitioner in W.P.No. 25339 of 2015 stating that there is a prohibitory order passed by the Bar +Council against him and that therefore, the counsel did not appear on that date. There was no other representation on behalf of the other petitioners also. Hence, Registry was directed to issue notice to the petitioners in all the above writ petitions returnable by 23.11.2015 and 30.11.2015, as the case may be. Notices have been sent by the Registry to the addresses given in the cause title of the respective writ petitions. Unfortunately, all the notices have returned with the postal endorsement 'insufficient address'. Therefore, the cases have been listed today and the names of the petitioners are printed in the cause list. The names of the petitioners were called in open court and they were called absent. There is no representation on behalf of them.

3. The issue involved in the above writ petitions is covered by a common order of this Court in W.P.No.18346 of 2015 etc. cases dated 3.11.2015.

4. Following the same, all the above writ petitions are dismissed. No costs. Consequently, all connected pending MPs are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal and Water Supply
Department, Fort.St.George,
Chennai-9.
2. The Chairman,
Udumalpet Municipality, Udumalpet.

3. The Municipal Commissioner,
Udumalpet,
Tiruppur District.

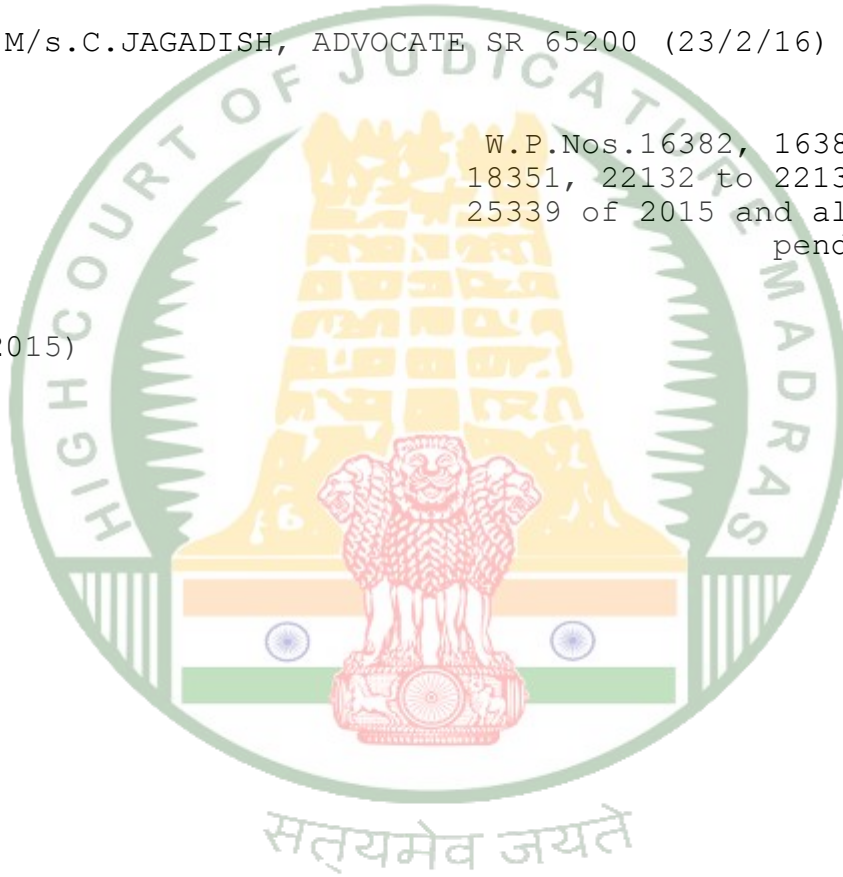
4. Director, L.F.Audit Department,
Kuralagam, 4th Floor,
Chennai - 9.

5. The Commissioner,
Udumalpet Municipality,
Tiruppur District.

+ 1 CC TO M/s.C.JAGADISH, ADVOCATE SR 65200 (23/2/16)

W.P.Nos.16382, 16383, 18347 to
18351, 22132 to 22138, 25337 &
25339 of 2015 and all connected
pending MPs

NM(CO)
CA(28/12/2015)



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