



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2016

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HON'BLE MR.JUSTICE P.N.PRAKASH

REV.APLC (MD)No.50 of 2016

in

M.P. (MD) No.1 of 2010

in

W.A.SR (MD) No.29799 of 2010

N.Maripandi

... Petitioner/1st Respondent/
1st Respondent

vs.

1.The Government of Tamilnadu

Rep.by its Secretary

Municipal Administration and Water

Supply Department

Fort St.George, Chennai-600 009

2.The Commissioner

Thirunelveli City Municipal Corporation

Thirunelveli

3.R.Abbubucker

... Respondent/Respondent 2 to 4/

Respondent 2 to 4

4.P.S.Ismath Inoon

... Respondents/Petitioner/Appellant

Application is filed under Section 114 & Order 47 Rule 1 of the Code of Civil Procedure to set aside the order passed by this Court in M.P.No.1 of 2010 in W.A.(MD) No.SR29799 of 2010, dated 28.03.2016 as far as the recording of submission made by the second respondent and by allowing this review application.

Prayer in MP.(MD).NO.1 of 2010 in WA.(MD).SR.NO.29799 of 2010:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High court will be pleased to grant the petitioner leave to file the writ appeal SR.No.29799/2016 and thus render Justice.

Writ Appeal preferred by the appellant above named against the order dated:04/09/2007 passed in WP.(MD).No.4698 of 2007.

For Petitioner

: Mr.S.Haja Mohideen Gishti

<https://hcservices.ecourts.gov.in/hcservices> For Respondents

: Mr.Aayiram K.Selvakumar,
Government Advocate



O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

This review application is directed as against the Order, dated 28.03.2016, passed by this Court in M.P.(MD) No.1 of 2010 in W.A.(MD) No.SR29799 of 2010, which was filed by the fourth respondent herein seeking leave to prefer an appeal as against the order passed in W.P.(MD) No.4698 of 2007. The said petition seeking leave was dismissed and while doing so, the Division Bench of this Court in its Order, dated 28.03.2016, has observed as follows:

"2.On this day, when the matter came up for hearing, on instructions from the Assistant Revenue Officer, Medapalayam Zone, Tirunelveli City Corporation, Tirunelveli, Mr.Aayiram K.Selvakumar, learned counsel for the third respondent submitted that Tirunelveli Corporation is not renewing the license granted to Mr.N.Maripandi, respondent No.1, instead, the Corporation, has inteded to flat the fresh tender for grant of license to a marriage hall and till such time, the respondent No.1 would continue.

2. The learned counsel for the petitioner submitted that the petitioner's licence is still in force and is to expire on 08.06.2016 and in the light of the order passed by the Division Bench, based on the instructions given by the Assistant Revenue Officer of Tirunelveli City Corporation, the petitioner apprehends that his rights would be affected.

3. In our view, his apprehension is baseless, since the Division Bench has stated that till fresh tenders are floated, the petitioner could continue to be the licensee of the Marriage Hall. The petitioner's case is that he has submitted an application for extension of licence and the same is pending consideration of the respondent Corporation.

4. In the light of the above factual position, we dispose of this application with a clarification, that it is open to the petitioner to pursue the application made before the respondent Corporation and if the same is still pending the respondent Corporation shall deal with such application in accordance with law, without in any manner being influenced by the observations made by the Division Bench as aforementioned. No costs.

Sd/-

Assistant Registrar(AE)/
Vacation Officer

/True copy/



To:

1. The Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai-600 009.

2. The Commissioner,
Thirunelveli City Municipal Corporation,
Thirunelveli.

+2cc to Mr. S. Haja Mohideen Gisthy, Advocate Sr.No.25863
+1cc to Mr. Ayiram K. Selvakumar, Advocate SR.No.25979

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