

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM:

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

W.P.No.37527 of 2003

Rajapalayam Municipal Council,
represented by its Chairman,
A.A.Subba Raja
Rajapalayam Municipality,
Virudhunagar District.

..Petitioner

Vs.

1. The State of Tamil Nadu represented
by its Secretary to Government,
Municipal Administration and Water,
Supply Department, Fort St.George,
Chennai-600 009.
 2. The Director of Municipal Administration,
Chepauk, Chennai-600 005.
 3. The Joint Director of Municipal Administration,
Chepauk, Chennai-60 005.
 4. The Director of Family Welfare,
DMS Complex, Teynampet, Chennai-600 006.
 5. The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.
 6. M.Vijayalakshmi
Through the Director of Municipal Administration,
Chennai - 5.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus seeking to direct respondents 1 to 4 and 6 to reimburse a sum of Rs.15,84,886/- being the amount diverted by the 5th respondent from the Municipal General Fund of the Rajapalayam Municipal Council towards the salary for a period from 01.04.2001 to 31.03.2003 to the erstwhile India Population Project - V Medical Officers and staff, who are compelled to work under the petitioner Municipality by respondents 2 and 3 and expenditure incurred for the purchase of drugs during the said period.

For Petitioner : Mr.N.S.Nandakumar
For Respondents 1 to 4 & 6 : Mr. Akhil Akbar Ali
Government Advocate
For 5th Respondent : Mr.S.Nandakumar

O R D E R

The petitioner has come forward with this Writ Petition seeking a direction to respondents 1 to 4 and 6 to reimburse a sum of Rs.15,84,886/- being the amount diverted by the 5th respondent from the Municipal General Fund of the Rajapalayam Municipal Council towards the salary for a period from 01.04.2001 to 31.03.2003 to the erstwhile India Population Project - V Medical Officers and staff, who are compelled to work under the petitioner Municipality by respondents 2 and 3 and expenditure incurred for the purchase of drugs during the said period.

2. It is represented by Mr.Akhil Akbar Ali, learned Government Advocate that Rajapalayam Municipal Council is no longer represented by its Chairman and the head of Rajapalayam Municipal Council is the Special Officer and the respondents have granted the relief sought by the petitioner.

3. Mr.S.Nandakumar, who is the original counsel appearing for the 5th respondent, submitted that he is representing the Chairman of Rajapalayam Municipal Council and now the 5th respondent, i.e. Municipal Commissioner of Rajapalayam Municipality is the petitioner herein and the very same petitioner cannot be a respondent in the writ petition.

4. Since the relief sought in this Writ Petition is stated to have been granted, respondents 1 and 2 shall produce proof of such granting of relief to the petitioner/5th respondent and respondents 1 and 2 shall send a compliance report in that regard to the Registrar General of this Court, who shall place the same before this Court within one week from the date of receipt of the said compliance report from the 1st and 2nd respondents.

With the above observation and direction, the Writ petition is disposed of. No costs. Consequently, connected W.P.M.P.No.45567 of 2003 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
State of Tamil Nadu represented
Municipal Administration and Water,
Supply Department, Fort St.George,
Chennai-600 009.
2. The Director of Municipal Administration,
Chepauk, Chennai-600 005.
3. The Joint Director of Municipal Administration,
Chepauk, Chennai-60 005.
4. The Director of Family Welfare,
DMS Complex, Teynampet, Chennai-600 006.
5. The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

copy to

1.The Registrar General High court
Madras

2.The Section Offier
Writ Posting Writ Section
High Court, Madras 104

+1 cc to the Government Pleader sr 61967

W.P.No.37527 of 2003

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