



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2017
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P.(MD)Nos.10914 and 10915 of 2017

K.Pandiarajan : Petitioner in W.P.No.10914/2017

Uthayakumar : Petitioner in W.P.No.10915/2017

-vs-

The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

: Respondent in both WPs

Prayer: Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the respondent to consider the representation of the petitioner, dated 28.05.2017 within a time fixed by this court, respectively.

For Petitioner
[in both cases]

: Mr.E.R.Guru Balachandran

For Respondent
[in both cases]

: Mr.K.Mahendran

COMMON ORDER

The prayer sought for in these writ petitions are to direct the respondent to consider the representation of the petitioners, dated 28.05.2017 in a time frame.

2.By consent of both parties, these writ petitions are disposed of at the stage of admission itself.

3.Heard Mr.E.R.Guru Balachandran, learned counsel appearing for the petitioners and Mr.K.Mahendran, learned counsel appearing for the respondent and perused the materials available on record.

4.According to the respondent, the petitioners were illegally connected to the main pipeline and therefore, notice was issued for recovery of penalty from them.



5.The case of the petitioners is that they have not illegally taken water as alleged by the respondent and therefore, after receipt of the notice from the respondent, dated 05.04.2017, they submitted a representation, dated 15.04.2017 and subsequently on 28.05.2017 to consider their case. Since no reply was forthcoming from the respondent, the present writ petitions have been filed.

6.Considering the prayer sought for in these writ petitions and also considering the submissions made on either side, these writ petitions are disposed of with a direction to the respondent to consider the representation of the petitioners, dated 28.05.2017 and pass orders purely on merits and in accordance with law, after providing opportunity of hearing to the petitioners as well as the necessary parties, if any. It is open to the respondent that based on the orders passed by them, they are at liberty to proceed against the petitioners in the manner known to law. No costs.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

+2ccs to Mr.E.R.Guru Balachandran, Advocate, SR.Nos.61536& 61537

+2ccs to Mr.K.Mahendran, Advocate, SR.Nos.61428 & 61429

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RL/6C/2P/KP/SAR2/10/7/2017

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