



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16720 of 2017

and

W.M.P. (MD) .Nos.13324 & 13325 of 2017

R.Suresh : Petitioner
Vs.

- 1.The Principal Secretary,
to the Government of Tamil Nadu,
Municipal Administration
& Water Supply (Election) Department,
St.George Fort,
Chennai.
- 2.The Secretary to the Government
of Tamil Nadu,
Law Department,
St.George Fort,
Chennai.
- 3.The Election Commissioner,
Tamil Nadu State Election Commission,
Koyembedu,
Chennai.
- 4.The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai-600 006.
- 5.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring Part III of the Tamil Nadu Municipal Law (4th Amendment) Ordinance, 2016, dated 27.12.2016, Notification 2 of the first respondent in G.O.Ms.No.67, Municipal Administration and Water Supply (Election), dated 29.06.2017 and the consequent Tender cum Auction Notice issued by the fifth respondent in Na.Ka.No.202/2014/A13, dated 17.08.2017 as null and void and ultra vires to the Article 243 (U) of the Constitution of India and quash the same.



For Petitioner : Mr.A.Rajkumar Sen
For Mr.C.K.M.Appaji
For R.1 to R.4 : Mr.Rajakarthikeyan
Additional Government Pleader
For Respondent No.5 : Mr.P.Athimoolapandian

WEB COPY

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

At present, there are no elected Local bodies in the State of Tamil Nadu. They are being administered by the Special Officers. The Government amended the laws relating to Panchayats, Town Panchayats, Municipalities and Municipal Corporations, so as to extend their term for the period of 30th June, 2017. It was originally hoped that the election process would be concluded by then. But, due to certain reasons, the elections could not be held.

2. Therefore, the notifications impugned in this writ petition were issued extending their period up to 31.12.2017. This extension of the period of Special Officers is a matter of necessity. No exception can be taken to the same. If the period of the Special Officers is not so extended, there will be a vacuum in the administration of Local bodies.

3. In order to obviate such a situation, the amendments impugned in this writ petition were made. We see no merit in this writ petition. In fact, the intention of the writ petitioner appears to be otherwise. This is evident from the fact that there is a consequential challenge to the Tender cum Auction Notice issued by the Commissioner, Nagercoil Municipality, vide proceedings dated 17.08.2017. There is no element of public interest in this writ petition. It has been filed for a collateral purpose.

4. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

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to the Government of Tamil Nadu,
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- 5.The Commissioner,
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Nagercoil,
Kanyakumari District.

+1cc to M/S.C.K.M.APPAJI, Advocate SR.No.77139

tsg

MAS/JC/SAR1:23.10.2017:3P-7C

Order made in
W.P. (MD) No.16720 of 2017
and
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