



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APL.(MD)Nos.67 & 68 of 2017

S.R.Kalyana Venkatarama Raja,
S/o.S.S.Rajalinga Raja,
No.28, Thilagarpuram Main Road,
Ambasamudram,
Tirunelveli District.

... Petitioner in both Rev.Appls

Vs.

The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.

... Respondent in both Rev.Appls

Common Prayer :Review Application filed under Order 47 Rule 1 R/W Sec.114 of C.P.C, against the Judgment rendered by this Court in W.P.(MD)No.10892, dated 20.07.2017 & W.M.P.(MD) No.8325 of 2017 in W.P.(MD)No. 10893 of 2017, dated 27.07.2017.

Prayer in WP(MD). 10892/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating with the impugned order passed by the respondent in Na.Ka.No.146/2016/H1, dt.26.05.2017 and quash the same as it is arbitrary and illegal and in consequence to direct the respondent to restore the property tax register, relating with the buildings bearing Door No. 223 to 413 in S.No. 370/A1 in Mela Amabasamudram, as its original position and thus render justice.

Prayer in WP(MD). 8325/ 2017 :

To stay the impugned order passed by the respondent in Na.Ka.No.146/2016/H1, dt.05.06.2017 pending disposal of the Writ petition.

Prayer in WP(MD). 10893/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating with the impugned order passed by the respondent in Na.Ka.No.146/2016/H1, dt.05.06.2017 and quash the same as it is arbitrary and illegal



and against Section 267 of Tamil nadu District Municipalities Act and in consequence to forbear the respondent from in any way interfere with the petitioners right of running the weekly private market in the property in S.No.370/A1 in Mela Ambasamudram, except under due process of law.

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For Petitioner	: Mr.B.T.Asha,
in both cases	Senior Counsel
	for Mr.R.Suriyanarayanan
For Respondent	: Mr.T.S.Mohammed Mohideen
in both cases	Additional Government Pleader

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The Review Application (MD)No.67 of 2017 has been filed for reviewing the order made in W.P.(MD)No.10892 of 2017 dated 20.07.2017. The Review Application (MD)No.68 of 2017 has been filed reviewing the order made in W.M.P.(MD) No.8325 of 2017 in W.P.(MD)No.10893 of 2017, dated 27.07.2017.

2.The petitioner in both the applications is the writ petitioner in both the writ petitions. He was running a private market. The respondent municipality passed two orders, one dated 26.05.2017 cancelling the levy of property tax and the other dated 05.06.2017 closing private market. The order dated 26.05.2017 was challenged in W.P.(MD)No.10892 of 2017 and the order dated 05.06.2017 was challenged in W.P.(MD)No.10893 of 2017.

3.Both the writ petitions came up for hearing on 20.08.2017. This Court was of the view that W.P.(MD)No.10893 of 2017 has to be dismissed with certain directions, whereas W.P.(MD) No.10892 of 2017 will have to be allowed. It appears that while enclosing the second set of papers, there was interchanging of the affidavits and petitions as well as the impugned orders. As a result, the orders intended to be pronounced by the Division Bench also got consequently interchanged. W.P.(MD)No.10892 of 2017 was shown as having been dismissed. This was never the intention of the Court. Similarly, interim order has been shown as having been granted in W.P.(MD)No.10893 of 2017. Again this was not what the Court originally intended. Thus the orders in both the writ petitions suffer from errors apparent on the face of the record on account of the said interchanging.

4.Therefore, the orders dated 20.07.2017 and 27.07.2017 made in W.P.(MD)Nos.10892 of 2017 and W.M.P.(MD) No.8325 of 2017 in W.P.(MD) No.10893 of 2017 stand set aside. The registry is directed to list W.P.(MD) No.10892 of 2017 for hearing along with



5. Consequently, both the Review Applications stand allowed. No costs.

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/True Copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

1. The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.
2. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.
3. The Assistant Registrar (Writs),
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Writs Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.M.RAJARAJAN, Advocate SR.No. 80897

REV.APL.(MD)Nos.67 & 68 of 2017
21.09.2017

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JM/SV MMS/SAR 1/06.10.2017/3P/6C