



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9570 of 2017

Then India Vellalar Uravin Murai Sangam,
Represented by its President
Selvaraj Pillai

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Nungampakkam, Chennai.

2. The Joint Commissioner,
HR & CE Department,
Madurai.

3. The Commissioner,
Madurai Municipal Corporation,
Anna Maligai,
Dr.Ambetkar Road, Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to impugned order issued by the 3rd respondent vide their unnumbered order dated 09.05.2017, and quash the same as illegal.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader

O R D E R

(Order of the court was made by M.V.MURALIDARAN,J.)

The writ petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to impugned order issued by the 3rd respondent vide their unnumbered order dated 09.05.2017, and quash the same as illegal.

2. Mr. V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents.



3. By consent of parties, the main Writ Petition is taken up for final disposal.

4. The petitioner averred in the affidavit among other things that the impugned order passed by the third respondent is not in consonant with the earlier proceedings prescribed by the Madurai Municipal Corporation Act and Rules and therefore, the impugned order is not sustainable and liable to be set aside.

5. Considering the above fact, the impugned order passed by the third respondent dated 09.05.2017 is liable to be set aside and the same is set aside. The matter is remanded back to the authorities concerned and the said authorities are directed to give personal opportunity to the petitioners as well as the necessary parties and pass orders on merits and in accordance with law and the said exercise shall be done by the respondents within a period of eight weeks from the date of receipt of copy of this order.

6. In the result, the writ petition is allowed. No costs. Consequently, connected W.M.P.(MD)No.7300 of 2017 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner, HR & CE Department,
Uthamar Gandhi Salai, Nungamppakkam, Chennai.

2.The Joint Commissioner, HR & CE Department, Madurai.

3.The Commissioner, Madurai Municipal Corporation,
Anna Maligai, Dr.Ambetkar Road, Madurai.

+1cc to The Spl.Government pleader Sr.No.57435

+1cc to M/s.Na.Palaniyandi, Advocate Sr.No.57073

cm

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**W.P. (MD) No.9570 of 2017
and W.M.P. (MD) No.7300 of 2017**