



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)Nos.841 & 842 of 2018
and
C.M.P(MD)Nos.5089 and 5090 of 2018

The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001.

... Appellant in both writ appeals /
3rd respondent / 3rd respondent

Vs.

1.K.Murugan ... 1st respondent in W.A(MD)No.841 of 2018 /
petitioner / petitioner

2.Shorisal ... 1st respondent in W.A(MD)No.842 of 2018/
petitioner / petitioner

3. The Commissioner of Municipal Administration,
Ezhilagam Annex Building,
6th Floor, Chepauk,
Chennai - 600 005.

4. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Tirunelveli.

... Respondents 2 & 3 in both W.As /
Respondents 1 & 2 / Respondents 1 & 2

Common Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order dated 01.06.2018 made in W.M.P(MD) Nos.10685 and 10687 of 2018 in W.P(MD)Nos.11774 and 11775 of 2018 respectively and allow the writ appeals.

Prayer in WMP(MD). 10685/ 2018 :

To grant an Interim injunction, restraining the 3rd respondent from handing over the shop No: 35, Bethesda Complex, Nagercoil, to any third persons, till the disposal of SLP(D) NO. 12338 of 2018 and other batch of SLPNos. 8785 of 2018 etc, pending disposal of Writ Petition.

Prayer in WP(MD). 11774/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 3rd respondent to put lock and seal the shop No.35, Bethesda complex, Nagercoil till the disposal of SLP (D) No.: 12338 of 2018 and other batch of SLPNos: 8785 of 2018 etc., on the file of Honourable Supreme Court of India.

Prayer in WMP(MD). 10687/ 2018 :

To grant an interim injunction, restraining the 3rd respondent from handing over the shop No: 15, Bethesda Complex, Nagercoil, to any third persons, till the disposal of SLP (D) No.12268 of 2018 and other batch of SLPNos: 8785 of 2018 etc, pending disposal of WP.

Prayer in WP(MD). 11775/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent to put lock and seal the shop No.15, Bethesda complex, Nagercoil till the disposal of SLP (D)No.12268 of 2018 and other batch of SLPNos: 8785 of 2018 etc., on the file of Honourable Supreme Court of India.

(In both W.As)

For Appellant : Mr.P.Athimoolapandian

For R-2 & R-3 : Mr.A.K.Baskarapandian,
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **M.DURAISWAMY, J.**)

Challenging the order of interim injunction granted in W.M.P(MD)Nos.10685 and 10687 of 2018 in W.P(MD)Nos.11774 and 11775 of 2018, the third respondent, the Commissioner, Nagercoil Municipality, Nagercoil, has filed the above writ appeals.

2. The writ petitioners filed W.P(MD)Nos.11774 and 11775 , to issue a Writ of Mandamus, directing the third respondent therein to put lock and seal in respect of the Shop Nos.35 and 15 at Bethesda Complex, Nagercoil, till the disposal of SLP(D) Nos.12338, 12268 and other batch of SLP No.8785 etc., on the file of the Honourable Supreme Court of India.

3. In the said writ petitions, the writ petitioners have also filed petitions in W.M.P(MD)Nos.10685 and 10687 of 2018 seeking for interim injunction, restraining the third respondent from handing over the shops to any third person till the disposal of the Writ petitions.



4. The learned single Judge by order dated 01.06.2018, granted an order of interim injunction, till 12.06.2018.

5. The learned counsel appearing for the appellant submitted that the order of interim injunction has not been extended after 12.06.2018 for the reason that the matter has not been listed after 01.06.2018.

6. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents 2 and 3.

7. Since the appellant / Municipality has challenged the interim order granted by this Court by the learned single Judge of this Court, we are of the view that the writ petitions can be taken up for hearing and disposed of, on merits and in accordance with law.

8. Therefore, without expressing any opinion with regard to the merits of the matter, we request the learned single Judge to take up the writ petitions in W.P(MD)Nos.11774 and 11775 of 2018 and dispose of the same, on merits and in accordance with law.

9. With these observations, the Writ Appeals are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Ezhilagam Annex Building,
6th Floor, Chepauk,
Chennai - 600 005.

2. The Regional Director,
Municipal Administration,
Tirunelveli Region, Tirunelveli.

+ 1 cc TO Mr.P.Athimoola Pandian , Advocate in SR No. 69085
+ 1 cc TO The Special Government Pleader in SR No. 69107

pm

AE/SKN RSK/SAR1/02.07.2018/3P/5C