

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 21167 of 2005
and
W.P. M.P. 23069 of 2005

S.Ramalinga Mudaliar

... Petitioner

Vs

The Commissioner,
Attur Municipality,
Attur, Salem District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondent herein in his proceedings in R.O.C.No.9380/2002/A4 dated 07.10.2004 and quash the same.

For Petitioner : Mr.R.Rajasekaran

For Respondents : Mr.A.S.Thambusamy

O R D E R

The petitioner has filed this Writ Petition challenging the demand notice issued by the respondent Municipality for collection of entry fee for the bus stand.

2. Mr.R.Rajasekaran, learned counsel appearing for the petitioner would submit that while this Writ Petition is pending, the respondent Municipality instituted a Suit in O.S.No.109 of 2005, on the file of District Judge cum Fast Track Court, Salem against the petitioner and the suit was decreed in favour of the respondent Municipality. Aggrieved by the said decree, the petitioner has filed an appeal before this court in A.S.No.731 of 2009 and the same is pending. In the meanwhile, the petitioner passed away. The legal heirs did not pursue this Writ Petition. However, the legal heirs already impleaded themselves in the first appeal.

3. On recording the submissions made by the learned counsel appearing for the petitioner, the present Writ Petition is dismissed as abated. Accordingly, the Writ Petition stands dismissed as abated. However, the order of this Court will not stand on the way of the legal heirs to pursue their rights in the first appeal. No costs. Consequently, the connected Writ Petition Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner,
Attur Municipality,
Attur, Salem District.

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and
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srg 30/07/2019

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