

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.11388 of 2019

Hosur Industries Association,
Plot No.159-A, SIPCOT Industrial Complex,
Hosur - 635 126,
Rep. by its authorized Signatory
Mr.P.Arulanandan

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Hosur Municipality,
No.1, Bangalore Bypass Road,
Hosur,
Krishnagiri District.

3.The District Collector,
Krishnagiri,
Collectorate,
Krishnagiri,
Tamil Nadu - 635 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the representation dated 30.01.2019 made by the petitioner with respect to the retrospective enhancement of Running License fee requesting for nominal increase of the same and to exclude Diesel Generators from the calculation of Running License fee.

For Petitioner : Mr.G.Balasubramanian
For R1 & R3 : Mr.B.Anand,
Government Advocate

For R2 : Mrs.K.Bhuvaneswari

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, directing the second respondent to consider the representation dated 30.01.2019 made by the petitioner with respect to the retrospective enhancement of Running License fee requesting for nominal increase of the same and to exclude Diesel Generators from the calculation of Running License fee. So far no order has been passed, hence, the petitioner filed the present writ petition before this Court.

2.The learned counsel appearing for the petitioner brought to the notice of this Court by relying upon the decision of this Court in a Writ Petition in W.P.No.14231 of 2018 dated 14.05.2018 and the relevant paragraph No.7 is extracted as under:

"7.Considering the submissions made by the learned counsel on either side and the written instructions given by the third respondent to the learned Government Advocate, this Court is inclined to dispose of the writ petition issuing appropriate directions. The members of the petitioner Association being individual licensees from whom enhanced licence fee is demanded by the respondent municipality with retrospective effect, the third respondent Municipality is directed to issue individual notice to all the industries in the area in question and as to how they proposed to demand enhanced licence fee. The individual industries either jointly or severally are entitle to submit their representation, which shall be considered by the third respondent and fresh orders be passed, communicating the same to the individual members of the petitioner Association. Till then, no coercive action shall be initiated against the members of the petitioner Association. No costs. Consequently, connected miscellaneous petition is closed."

3.The learned counsel appearing for the second respondent would submit that the petitioner's representation will be considered in the light of the earlier order passed by this Court in W.P.No.14231 of 2018 dated 14.05.2018.

4.By considering the above said submissions, without expressing any opinion, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 30.01.2019 on merits and in accordance with law as

expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2. The Commissioner,
Hosur Municipality,
No.1, Bangalore Bypass Road,
Hosur,
Krishnagiri District.

3. The District Collector,
Krishnagiri,
Collectorate,
Krishnagiri,
Tamil Nadu - 635 001.

+1cc to M/s. Leela & Co, Advocate SR.No.37459

+1cc to Government Pleader SR.No.38865

W.P.No.11388 of 2019

GP II(CO)
GMY(07/05/2019)

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