

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.24196 of 2017

and

WMP.No.25557 of 2017

Salem Constructions,
A registered Partnership Firm
rep. by its Managing Partner
N.Selvam, 335, Vivekanandar Street,
Bharathi Nagar,
Maniyanoor, Salem-638 010. Petitioner

Vs

1. The Commissioner,
Corporation of Salem, Salem.

2. Shanthi Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records with respect to impugned notice issued by the 1st respondent herein dated 01.09.2017 in his Proceedings in Na.Ka.No.E4/013125/2017 and quash the same.

For Petitioner: Mr.A.RL.Sundaresan,
Senior Counsel
for Mr.R.Nalliyappan

For Respondents: Mrs.K.Bhuvaneswari,
Standing Counsel for R1
Mr.A.Thiagarajan,
Senior Counsel
for Mr.S.Rameshkumar for R2

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O R D E R

Questioning the correctness of the impugned notice issued by the 1st respondent herein, namely, the Commissioner, Corporation of Salem, Salem, dated 01.09.2017 and to quash the same, the present Writ Petition has been filed.

2. Learned Senior Counsel appearing for the petitioner submitted that when this Court by an order dated 11.07.2017 passed in W.P.No.17497/2017 directed the Commissioner, Corporation of Salem, the 1st respondent herein to consider the representation dated 19.05.2017 filed by one Ms.Shanthi, the

2nd respondent herein, in accordance with law, after giving notice to the respondents 2 and 3 therein, namely, N.Selvam, the petitioner herein and S.Parimala, within a period of eight weeks, without sending any notice calling upon the petitioner and the respondents 2 and 3 therein to attend the enquiry to consider the correctness of the representation dated 19.05.2017, the impugned notice has been sent stating that as though this Court has directed the 1st respondent to hold enquiry as to why a sum of Rs.90,00,000/- should not be refunded to the 2nd respondent herein, namely, Shanthi and also directed the petitioner herein to attend the enquiry on 11.09.2017 at 11.00 a.m., if he has got any objection in this regard.

3. Learned Senior Counsel appearing for the 2nd respondent also fairly stated that this Court by its order dated 11.07.2017 passed in W.P.No.17497/2017 has given a direction to the Commissioner, Corporation of Salem, the 1st respondent herein to consider the representation dated 19.05.2017 filed by the 2nd respondent herein, after giving notice to both parties. Since the same has not been adhered to, the impugned notice may be set aside and the same may be remanded back to the 1st respondent to consider the correctness of the representation dated 19.05.2017.

4. This Court, accepting the stand taken by the 2nd respondent that this Court directed the 1st respondent to consider the representation dated 19.05.2017, hereby directs the 1st respondent to issue a fresh notice calling upon the petitioner and the 2nd respondent to attend for enquiry to consider the correctness of the representation dated 19.05.2017 and then to pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

5. In view thereof, the impugned notice dated 01.09.2017 of the 1st respondent is set aside and the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

tsi

To The Commissioner,
Corporation of Salem, Salem.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.93139
+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No. 92964

W.P.No.24196 of 2017