



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)Nos.78, 79 and 80 of 2012

and

M.P(MD) .Nos.1, 2 and 2 of 2012

M.Pandi	... Appellant in W.A(MD) .No.78 of 2012
Ganapathy Narayanasamy	... Appellant in W.A(MD) .No.79 of 2012
P.M.Selvaraj	... Appellant in W.A(MD) .No.80 of 2012

Vs.

The Commissioner,
Dindigul Municipality,
Dindigul.

... Respondent in all writ appeals

Common Prayer: Writ Appeals are filed under Clause 15 of the Letters Patent to set aside the orders dated 16.11.2011 in W.P.Nos.4528, 4529 and 4530 of 2007 on the file of this Court.

Prayer in WP(MD) . 4528, 4529 and 4530 of 2007 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, to call for the records of the respondent proceedings in Na.Ka.No.10270/1993 A.9-2 dated 17.4.2007 and quash the same as illegal, incompetent and without jurisdiction.

In all appeals

For Appellants	: No appearance
For Respondents	: Mr.P.Srinivas

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Writ Appeals were listed before us on 31.10.2019 and since none appeared, we directed the matter to be listed under the caption 'for dismissal'. Today, it is listed under the said caption. Today also, there is no appearance on behalf of the appellants.

2.We have heard Mr.P.Srinivas, learned counsel for the respondent Municipality.



3.The writ petitions in W.P(MD).Nos.4528 to 4530 of 2007 were filed challenging the proceedings of the respondent Municipality in Na.Ka.No.10270/1993 A.9-2, dated 17.04.2007, which is the demand notice issued by the respondent Municipality. The learned Single Judge after considering the entire facts and also the submission that the appellants had filed civil suits, has dismissed the writ petitions holding that the jurisdiction of the civil Court is barred and the terms of contract mentioned in the license will bind the appellants.

4.We find that there is no ground to interfere with the order passed in the writ petitions. Accordingly, these Writ Appeals are dismissed.

5.The learned counsel appearing for the respondent submitted that the area in question has been utilised for the Smart City Project and structures have been removed, but the arrears payable by the appellants have not been paid. The respondent Municipality is permitted to initiate steps for recovery and upon failure to remit the amount, they can approach the District Collector for invoking the provisions of the Revenue Recovery Act. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

rmk

+3 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate SR-98224,97228,97229
+1 CC to Mr.P.SRINIVAS, Advocate (SR-98346[F] dated 14/11/2019)

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