



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WEB COPY

W.P(MD)Nos.13694 to 13702 and 14157 to 14159 of 2019
and
W.M.P. (MD)Nos.10243 to 10251 and 10631 to 10633 of 2019

J.Abubakkar Siddiq	... Petitioner in WP(MD). 13694/ 2019
D.Ashok Kumar	... Petitioner in WP(MD). 13695/ 2019
M.Nagaraj	... Petitioner in WP(MD). 13696/ 2019
M.Shek Dawood	... Petitioner in WP(MD). 13697/ 2019
K.Shek Dawood	... Petitioner in WP(MD). 13698/ 2019
K.Natarajan	... Petitioner in WP(MD). 13699/ 2019
B.Gnanaprakasham	... Petitioner in WP(MD). 13700/ 2019
S.Abdul Abbas	... Petitioner in WP(MD). 13701/ 2019
J.Shajakhan	... Petitioner in WP(MD). 13702/ 2019
M.Kathar Moidheen	... Petitioner in WP(MD). 14157/ 2019
S.Srinivasa Kumar	... Petitioner in WP(MD). 14158/ 2019
S.R.Meiyar	... Petitioner in WP(MD). 14159/ 2019

- Vs. -

1. The Commissioner

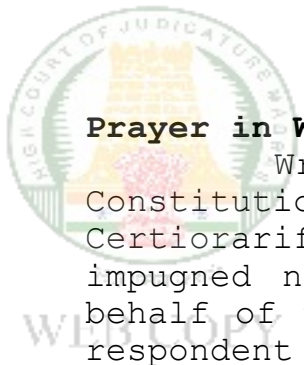
Karaikudi Municipality,

Karaikudi Town, Sivagangai District.

2. Vs.Krishnan, ... Respondents in all Writ Petitions

Prayer in WP(MD). 13694/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.2 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.



Prayer in WP(MD). 13695/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.3 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13696/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.4 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13697/ 2019 :

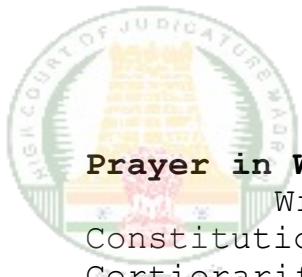
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.5 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13698/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.6 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13699/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.7 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

**Prayer in WP(MD). 13700/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.8 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13701/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.9 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 13702/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 21.05.2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop No.10 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 14157/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 03/06/2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop.No.1 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD). 14158/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 03/06/2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop.No.11 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality.

Prayer in WP(MD) . 14159/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 03/06/2019 issued by the 2nd respondent on behalf of the 1st respondent quash the same and forbearing the 1st respondent his men or servants or employees from demolishing Shop.No.12 in Silver Jubilee Complex, Kallukatti North, Karaikudi Town, Sivagangai District owned by the 1st respondent / Municipality .

For Petitioner : Mr.N.Tamilmani

For R1 : Mr.P.Mahendran

ORDER

The petitioners challenge notices dated 21.05.2019 and 03.06.2019, respectively issued by the second respondent, the counsel for the Commissioner, Karaikudi Municipality.

2. The challenge is on the ground that the provisions of Section 218 of the Tamil Nadu District Municipalities Act, 1920, contemplates that statutory notice be issued by the Executive Authority and such authority cannot be exercised by the legal counsel for such Executive Authority.

3. A counter has been filed, wherein at paragraph No.11, the Municipality accepts the position that the issuance of notices by the second respondent was improper. The respondent municipality thus withdraws notices dated 21.05.2016 and 03.06.2019 .

4. Recording this position, these writ petitions are closed. Needless to say liberty is available to the respondent Corporation to take such action as it may deem necessary in terms of Section 218 referred to earlier, in strict compliance of all provisions and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O.)

// True Copy //

Sub Assistant Registrar(CS)

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TO:

THE COMMISSIONER
<https://hcservices.ecourts.gov.in/hcservices/>
KARAIKUDI MUNICIPALITY,
KARAKUDI TOWN, SIVAGANGAI DISTRICT.



12CC'S TO MR.N.TAMILMANI,ADVOCATE SR 74304

1CC TO MR.P. MAHENDRAN, ADVOCATE SR 74096

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JM/09.08.2019/5P-15C