



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.4406 of 2017

and

W.M.P. (MD)No.3537 of 2017

A.K.Mohamed Mohaidheen

... Petitioner

Vs.

1.The Principal Secretary,
Municipal Administration and Water Supply,
Fort St.George, Chennai.

2.The State Election Commissioner,
Fort St. George, Chennai.

3.The District Collector,
Thoothukudi District, Thoothukudi.

4.The Municipal Commissioner,
Kayalpattinam Municipality,
Kayalpattinam, Thoothukudi.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Government Letter No.856/Election/2017-1, dated 06.02.2017 passed by the respondent No.1 and quash the same as illegal and consequently direct the respondents to allot more wards in Kayalpattinam Municipality, Thoothukudi District.

For Petitioner	: Mr.Veera Kathiravan Senior Counsel for M/s Veera Associates
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader for R.1 and R.3 Mr.M.Rajarajan for R.4 Mr.R.Karthikeyan for R.2

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J**)

The petitioner, who claims to be a public interest litigant, came forward to file this Writ Petition for issuance of a Certiorarified Mandamus and to quash the impugned proceedings of the first respondent, dated 06.02.2017 and further direct the respondents to allot more Wards by taking into consideration the increased population in Kayalpattinam Municipality as per 2011 Census.



2. Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner would submit that in respect of neighbouring Municipalities, depending upon the 2011 Census, more Wards have been increased and whereas, it remains constant in respect of Kayalpattinam Municipality and hence, prays for appropriate orders.

3. During the course of arguments, he has also invited the attention of this Court to the additional typed set of papers as well as the representation dated 02.12.2019.

4. Heard the submissions of Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 3, Mr.R.Karthikeyan, learned Counsel appearing for the second respondent and Mr.M.Rajarajan, learned Government Advocate appearing for the fourth respondent.

5. Mr.R.Karthikeyan, learned Counsel appearing for the second respondent, on instructions, would submit that in respect of Municipalities, de-limitation has been exercised based on 2011 Census and a Gazette Notification dated 14.12.2018 has also been published and if the petitioner is aggrieved, he may be at liberty to work out his remedy in accordance with law before the competent forum.

6. This Court has carefully considered the rival submissions and also perused the materials available on record.

7. This writ petition came to be filed on 14.03.2017 and thereafter, much water has flown in the form of de-limitation process in respect of Municipalities, based upon which also, a Gazette Notification dated 14.12.2018 also came to be published. If the petitioner is really aggrieved by the said de-limitation exercise in respect of Kayalpattinam Municipality, he is always at liberty to work out his remedy in accordance with law before the competent forum and the cause of action for prosecuting the present writ petition no longer survives in the light of the subsequent developments.

8. In the result, this writ petition is dismissed, granting liberty to the petitioner to work out his remedy in respect of the de-limitation exercise done based on the 2011 Census, based on which, a Gazette Notification dated 14.12.2018 came to be published. No costs. Consequently, the connected writ miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



SSL/RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Chennai.
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