



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A(MD)No.203 of 2013

and

M.P(MD)No.1 of 2013

WEB COPY

- 1.The Commissioner of Municipal Administration,
Chennai - 600 005.
- 2.The Commissioner,
Dindigul Municipality, Dindigul.
- 3.The Commissioner,
Palani Municipality, Palani. ... Appellants/ Respondents
-vs-

G.Ganeshbabu ... Respondent/ Writ Petition

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 18.09.2012 made in W.P(MD)No.506 of 2012.

Prayer in WP(MD) . 506/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorari calling for the records relating to the impugned proceedings bearing Roc.No. 49579/2010/OP4 dated 08.09.2011 passed by the first respondent and quash the same.

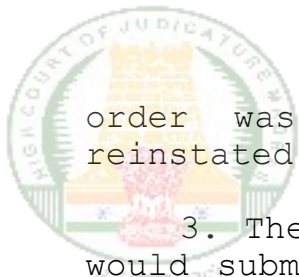
For Appellant : Mr.R.Ragavendran,
Government Advocate
For Respondent : Mr.Ghana Gurunathan

JUDGMENT

(Judgment of the Court was delivered by V. BHARATHIDASAN, J.)

The writ appeal has been filed by the respondents in the writ petition against imposing of cost of Rs.10,000/- ordered by the learned Single Judge.

2. The writ petition has been filed by the respondent/writ petitioner challenging the order of suspension. By an order dated 18.09.2012, the learned Single Judge, allowed the writ petition and set aside the order of suspension. However, imposed cost of Rs.10,000/- on the appellants/respondents, on the ground that even though the order of suspension has been stayed by this Court, that



order was not implemented, and the writ petitioner was not reinstated into service.

3. The learned Government Advocate appearing for the appellants would submit that since a criminal case for corruption charge was pending against the writ petitioner, he was not reinstated into service. Even though the order of suspension was stayed by this Court, that order was not immediately communicated to the authorities. Only after receipt of contempt notice, the authorities came to know about the order passed by this Court and the writ petitioner was reinstated into service and there is no willful disobedience and there was no intention on the part of the respondents to disobey the order of this Court. The contempt petition was also closed. Therefore, the order of the learned Single Judge imposing costs on the appellants is liable to be interfered with.

4. We have heard the submissions of the learned counsel appearing for the respondent/writ petitioner also and perused the materials available on record.

5. Considering the above submissions, and also the fact that the writ petitioner has been reinstated into service, there is no willful disobedience of the order passed by this Court, we are inclined to set aside the portion of order of the learned single Judge imposing cost of Rs.10,000/-.

6. In the result, the writ appeal is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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:

1.The Commissioner of Municipal Administration,
Chennai - 600 005.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner,
Dindigul Municipality, Dindigul.

3.The Commissioner,
Palani Municipality, Palani.

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+1 CC to M/s.SPL.GP (SR-33382[F] dated 01/11/2021)

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-33501[F] dated 01/11/2021)

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_RD/NS (22.11.2021) 3P 6C