



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14098 of 2021

and

W.M.P(MD)No.11061 of 2021

WEB COPY

M.Mohamed Ismail

... Petitioner

Vs.

1.The Appellate Authority cum
Standing Committee of the Nagercoil Corporation Council,
Corporation Building,
Charles Miller Street,
Vetturnimadam,
Nagercoil.

2.The Commissioner,
Nagercoil Corporation,
Charles Miller Street,
Vetturnimadam,
Nagercoil.

... Respondents

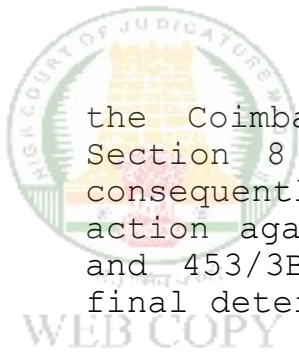
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass orders on the petitioner's appeal, dated 30.07.2021, made under Section 452 of the Coimbatore City Municipal Corporation Act, 1981 read with Section 8 of Nagercoil City Municipal Corporation Act 2019 and consequently forbear the respondents from taking any coercive action qua the petitioner's building in Town Survey No.454/2A and 453/3B, Parakkai Village, Kanyakumari District, pending such final determination of the appeal in the light of the decision of the Hon'ble Supreme Court of India in *Commissioner Corporation of Madurai Vs. Dr.I.Ismail, 2017(5) CTC 558*.

For Petitioner	: Mr.Ajmalkhan Senior Counsel for M/s Ajmal Associates
For Respondents	: Mr.P.Athimoolapandian

ORDER

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

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the first respondent to pass orders on the petitioner's appeal, dated 30.07.2021, made under Section 452 of



the Coimbatore City Municipal Corporation Act, 1981 read with Section 8 of Nagercoil City Municipal Corporation Act 2019 and consequently forbearing the respondents from taking any coercive action against the petitioner's building in Town Survey No.454/2A and 453/3B, Parakkai Village, Kanyakumari District, pending such final determination of the appeal.

2.Mr.Ajmalkhan, learned Senior Counsel appearing for the petitioner submitted that though the petitioner has filed an appeal dated 30.07.2021, the first respondent has not passed any order so far. Further, the learned Senior Counsel submitted that even during the pendency of the appeal before the first respondent, the second respondent is taking steps to take coercive action against the petitioner. In these circumstances, the learned Senior Counsel submitted that the first respondent may be directed to dispose of the appeal within a time frame and till such time, the second respondent may be directed to maintain status quo.

3.Mr.P.Athimoolapandian, learned Standing Counsel for the respondents submitted that the first respondent may be directed to dispose of the petitioner's appeal within a period of four weeks and till such time, the respondents shall maintain status quo.

4.Having regard to the submissions made by the learned Senior Counsel for the petitioner and Mr.P.Athimoolapandian, learned Standing Counsel for the respondents, taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, we direct the first respondent to consider the petitioner's appeal dated 30.07.2021 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Further, we direct the second respondent to maintain status quo till the disposal of the appeal by the first respondent.

5.With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Appellate Authority cum
Standing Committee of the Nagercoil Corporation Council,
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Nagercoil.

2.The Commissioner,
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Charles Miller Street,
Vetturanimadam, Nagercoil.

**W.P (MD) No.14098 of 2021
12.08.2021**

RS (23.08.2021) 3P 3C