



W.P.No.35004 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.35004 of 2019

and

W.M.P.No.35793 of 2019

P.Mani @ Manimaran

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai – 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.

3. The Assistant Commissioner,
Zone X,
Greater Chennai Corporation,
NSK Salai, Kodambakkam,
Chennai – 600 024.

4. S.Kannan

... Respondents



W.P.No.35004 of 2019

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Quo Warranto to direct the fourth respondent to show cause on what authority he holds the post of 'Member' of the Town Vending Committee for Zone X, Greater Chennai Corporation.

For Petitioner : M/s.J.Saravanel
For Respondents :
For R1 : Mrs.C.Meera Arumugam
Additional Government Pleader
For R2 & R3 : M/s.Karthika Ashok,
Standing Counsel
For R4 : M/s.N.S.Tanvi

ORDER

The learned counsel for the petitioner submits that the writ petition has become infructuous in the light of the order passed by the Division Bench of this Court dated 27.04.2022 in W.P.No.6799 of 2022. The learned counsel for the fourth respondent also confirms the same and to this effect he has also filed a counter affidavit. Paragraph 3 of the said counter affidavit reads as under:

3. Thus, this Hon'ble Court was pleased to quash the formation of all the Town Vending Committees of the Chennai Corporation. I have been advised that as per the above extracted portions of the judgement, all the



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W.P.No.35004 of 2019

Town Vending Committees have been held to be illegal. With regard to the validity of the decisions taken by these Town Vending Committees now held to be illegal, from 2019 till date, the Hon'ble Court has left the issue open to be considered with regard to the application of the Defacto Doctrine. I have been advised that the Defacto Doctrine holds that “the actions of officers de facto performed by them within the scope of their assumed official authority, in the interest of the public or third persons and not for their own benefit, are generally as valid and binding, as if they were the acts of officers de jure”. This Defacto doctrine does not apply to the present case. I have been advised that when all Town Vending Committees have been held to be illegal, such a finding would be squarely applicable to this factual matrix and would thus render this writ petition infructuous.”

2. In view of the above, this writ petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
rgm



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W.P.No.35004 of 2019

C.SARAVANAN, J.

rgm

To

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Municipal Administration and
Water Supply Department,
Secretariat,
Chennai – 600 009.
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Rippon Buildings,
Chennai – 600 003.
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