



W.A(MD)No.501 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A(MD)No.501 of 2022

S.T.Lingasugirtha

... Appellant/Petitioner

VS.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
St. George Fort,
Chennai – 600 009.
 - 2.The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Sathome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.
 - 3.The District Collector,
Kanyakumari @ Nagercoil,
Nagercoil – 629 001,
Kanyakumari District.
 - 4.The Nagercoil Municipal Corporation,
166, Balamore Road,
Nagercoil – 629 001,
Kanyakumari District,
Represented by its
Municipal Commissioner.
- ... Respondents/Respondents



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.02.2021 passed in W.P(MD)No.19877 of 2020 on the file of this Court.

For Appellant	: Mr.R.Gowri Shankar
For RR 1 to 3	: Mr.K.Balasubramani Special Government Pleader
For R – 4	: Mr.P.Aathimoola Pandian

JUDGMENT

[Judgment of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the order, dated 01.02.2021 passed by the learned Single Judge in W.P(MD)No.19877 of 2020, this Writ Appeal has been preferred by the appellant / writ petitioner.

2.The appellant / writ petitioner has filed the abovesaid Writ Petition challenging the impugned notice issued by the fourth respondent, dated 07.12.2020.



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3.The learned Single Judge, by common order, dated 01.02.2021, along with the Writ Petition and etc batch cases, passed the following order:-

"2.In view of the aforesaid submission made by the learned counsel for the writ petitioners, I permit the petitioners to move before the respondents. The petitioners are at liberty to file their representations before the fourth respondent, who will in turn forward the same to the first and second respondents along with their note. It is for the first and second respondents to pass orders in accordance with law as they deem fit. This Court refrains from deciding the issue in case of the writ petitioners herein.

3.The Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

Challenging the said impugned order, dated 01.02.2021, the appellant has filed the present Writ Appeal.



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4.Today, when the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that in similar matter, one of the writ petitioner preferred an appeal in W.A(MD)No.754 of 2021 and the said Writ Appeal has been allowed and the Writ Appeal filed by the Corporation in W.A(MD)No.428 of 2021 has been dismissed. Challenging the dismissal order, the fourth respondent Commissioner, Nagercoil Municipal Corporation has preferred a Special Leave Petition in Appeal (C)Nos. 7792-7793/2022 before the Supreme Court and the Supreme Court, by order dated 02.05.2022, stayed the petition and further, he submitted that the direction of the Writ Court is only to consider the representation of the petitioner.

5.The learned counsel appearing for the fourth respondent has brought to the notice of this Court that challenging the order passed in the Writ Appeal, the fourth respondent has also preferred a Special Leave Petition before the Supreme Court and interim stay has been granted. Therefore, the appellant is not entitled to the relief as sought for in the present Writ Appeal, as the same is pending before the Supreme Court.



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6.At this stage, we are not inclined to go into the merits of the case. The order passed by the learned Single Judge is only to consider the representation and it is for the respondents to consider the said representation and pass appropriate orders on its own merits.

7.Therefore, we are not inclined to interfere with the order passed by the Writ Court. Consequently, the same is liable to be rejected.

8.Accordingly, this Writ Appeal is dismissed. No costs.

[D.K.K.,J.] & [R.V.,J.]
08.12.2022

Index : Yes / No
Internet : Yes
ps



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D. KRISHNAKUMAR,J.

and

R.VIJAYAKUMAR,J.

ps

**ORDER MADE IN
W.A(MD)No.501 of 2022**

08.12.2022

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