



WP No.38984 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.38984 of 2005

Indian Society of the Church of Jesus
Christ of Latter – Day Saints,
Rep. by its Authorised Signatory,
Robert Kumar William,
1737, Trichy Road, Coimbatore.

.. Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by Secretary, Revenue Department,
Fort St. George, Chennai 600 009.
2. State of Tamil Nadu,
Rep. by Secretary to Government,
Municipal Administrative Department,
Chennai 600 009.
3. Director of Municipal Administration,
Chepauk, Chennai.
4. Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.
5. Assistant Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare Section 121(4)(a) of the Coimbatore City Municipal Corporation Act as unconstitutional and ultra-vires the Constitution of India in so far as the petitioner is concerned.

For the Petitioner : Mr.Anirudh Krishnan
for Ms/Sarvabhauman Associates

For the Respondent : Mr.K.Karthik Jagannath
Government Advocate for RR 1 to 3
: Mr.K.Magesh
Standing Counsel for RR 4 and 5.
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Anirudh Krishnan, learned counsel for the petitioner, Mr.K.Karthik Jagannath, learned Government Advocate for respondent Nos.1 to 3 and Mr.K.Magesh, learned Standing Counsel for respondent Nos.4 and 5.

2. The petitioner has challenged the constitutional validity of Section 121(4)(a) of the Coimbatore City Municipal Corporation Act, 1981.



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3. The learned counsel for respondent Nos.4 and 5/Corporation has placed on record the copy of the order of the Madurai Bench of this Court in *W.P.(MD)No.3997 of 2006 (between T.Dhanasekaran and Government of Tamil Nadu and Others) dated 16.11.2010* to contend that the validity of the said provision has been upheld in the said case. In view of that, nothing survives for consideration in the present writ petition. Moreover, the said Act has also been repealed.

In light of the above, the writ petition stands dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The Secretary to Government of Tamil Nadu,
Municipal Administrative Department,
Chennai 600 009.
3. The Director of Municipal Administration,
Chepauk, Chennai.
4. The Commissioner,
Coimbatore Corporation, Coimbatore 641 001.
5. The Assistant Commissioner,
Coimbatore Corporation, Coimbatore 641 001.

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