



W.A.No. 54 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. B. BALAJI**

W.A.No. 54 of 2017

J.Ganessin

..Appellant

Vs

The Commissioner,
Puducherry Municipality,
Puducherry -605 001

..Respondent

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent to set aside
the order made in W.P.No.17456 of 2014, dated 03.07.2014

For Appellant : Mr.J. Ganessin, Party-in-Person
For Respondent : Mr.A.Tamilvanan, AGP (Pondicherry)

JUDGMENT

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

Challenging the press notice dated 11.06.2014 issued by the
respondent-Municipality through paper publication, the appellant herein had



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earlier filed a writ petition in W.P.No. 17456 of 2014 before Court. The said writ petition was dismissed by this Court as not maintainable by order dated 03.07.2014, however liberty was granted to the appellant/writ petitioner to agitate before the appropriate forum.

2. Aggrieved by the said order of the writ Court, the present intra court appeal is filed by the appellant. On earlier occasion, the present writ appeal came to be dismissed by the Hon'ble Division Bench of this Court by order dated 15.11.2017, due to non representation by the appellant on various dates. Subsequently, the writ appeal was ordered to be restored and taken on file.

3. Heard both sides and perused the materials available on record.

4. The contention of the appellant/party-in-person is that the property notified by the respondent-municipality in the said notification belongs to his family. The writ court without taking note of the said submission of the appellant/writ petitioner, had dismissed the writ petition. Hence the order of the writ court is liable to be set aside.



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WEB COPY 5. The learned Government Pleader appearing for the respondent-Municipality has contended that the notification issued by the municipality on 11.06.2014 has already been acted upon, with the entire work as specified in the notification being duly completed within a period of six months. Therefore it is argued that the relief sought for by the appellant/party-in-person has now become infructuous.

6. Upon perusal of the 'e' tender press notice dated 11.06.2014, it is evident that the tender was issued for the purpose of undertaking improvement work on the internal drain system within specific areas, which includes the property claimed by the appellant viz., Muthamizh Nagar and Raja Nagar of Puducherry. Further the period for completion of the work is also mentioned as six months.

7. Having carefully considered the arguments put forth by both parties, We are of the opinion that since the Municipality has completed the improvement work on the internal drains in the properties, in accordance



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with the stipulations outlined in the tender notice, there remains no further adjudication is required in the present writ appeal.

8. In the result, the writ appeal is dismissed as having become infructuous. No costs. However, taking note of the claim made by the appellant/party-in-person that the municipality has carried out improvement work on his property, as observed by the writ Court, the appellant is permitted to pursue a legal remedy before the appropriate forum.

(D.K.K., J.)

(P.B.B., J.)

04.07.2023

Index: Yes / No

Internet: Yes

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To

The Commissioner,

Puducherry Municipality,

Puducherry -605 001



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**D.KRISHNAKUMAR, J.
AND
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