



W.P.No.28870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.28870 of 2023

S.KARTHICK RAJA

... Petitioner

Vs.

1. THE CHAIRMAN
MUNICIPAL COUNCIL, NAMAKKAL, NAMAKKAL DISTRICT.
2. THE MUNICIPAL COMMISSIONER
KOMARAPALAYAM MUNICIPAL OFFICE,
KOMARAPALAYAM, NAMAKKAL DISTRICT.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent, to consider and dispose of the petitioner's appeal filed under Section 244 of the Tamil Nadu District Municipalities Act, 1920 dated 04.09.2023.

For Petitioner : Mr.Bhavani B.Mohan

For Respondents : Mr.T.Sampath Kumar
Government Advocate



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ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed, to direct the 1st respondent to consider and dispose of the petitioner's appeal dated 04.09.2023.

2. According to the petitioner, he is the absolute owner of the property at Inam Survey No.2 of Komarapalayam Agraharam Village, Komarapalayam Taluk, admeasuring to an extent of 342 sq.ft.,. The 2nd respondent issued a notice dated 18.08.2023 under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, to the petitioner, stating that he had illegally constructed a sheet house, in the land belonging to the 2nd respondent.

3. Aggrieved over the same, the petitioner filed an appeal dated 04.09.2023 before the 1st respondent and the same is pending.

4. The learned Government Advocate appearing for the respondents would submit that as against the notice dated 18.08.2023, the petitioner has preferred an appeal dated 04.09.2023 before the 1st respondent and the same is



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pending. Therefore, he would submit that it would suffice if a direction is issued to the 1st respondent, to dispose of the appeal preferred by the petitioner, within a time frame to be stipulated by this Court.

5.In view of the submissions made by the learned Government Advocate, this Court without expressing any opinion on the merits of the matter, directs the 1st respondent to pass orders on the appeal preferred by the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

(J.N.B.,J.) (N.M.,J.)
19.10.2023

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Index:Yes/No
Speaking/Non-speaking order
Neutral citation:Yes/No

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J.NISHA BANU, J.
and
N.MALA, J.

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To

1. THE CHAIRMAN
MUNICIPAL COUNCIL,
NAMAKKAL, NAMAKKAL DISTRICT.

2. THE MUNICIPAL COMMISSIONER
KOMARAPALAYAM MUNICIPAL OFFICE,
KOMARAPALAYAM, NAMAKKAL DISTRICT.

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