



W.P. (MD) No. 4118 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 4118 of 2023

P.H.Jaipunnisa

... Petitioner

Vs.

1.The Commissioner / Tax Appellate Tribunal,
Pallapatti Town Panchayat,
Aravakurichi Taluk,
Karur District.

2.The Executive Officer,
Pallapatti Town Panchayat,
Aravakurichi Taluk,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, to direct the first respondent to dispose the petitioner's appeal dated 20.01.2023 filed against the special notices dated 17.12.2022 issued by the second respondent within time frame fixed by this Court and consequently direct the respondents to not to disconnect the water connection and not to stop all facilities provided by the respondent under the Tamil Nadu District



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WEB COPY Municipalities Act, 1920 of the Pulavar Habibulla Marriage Hall-1 till the disposal of the appeal pending before the first respondent.

For Petitioner : Mr. I.Velpradeep

For Respondents : Mr. A.N.Ramanathan

ORDER

Heard Mr. I.Velpradeep, Learned Counsel appearing for the Petitioner, Mr. A.N.Ramanathan, Learned Counsel, who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to direct the First Respondent to dispose the appeal filed by the Petitioner dated 20.01.2023 and not to disconnect the water supply and other facilities provided by the Respondent under the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as 'the Act' for short) of the Pulavar Habibulla Marriage Hall-1, till the disposal of the appeal



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3. It is not in dispute that the Petitioner has filed appeal before the First Respondent against the Special Notice dated 17.12.2022 issued by the Second Respondent.

4. Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the First Respondent is directed to dispose the second appeal within a time limit that may be fixed by this Court.

5. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of controversy involved in the matter, disposes the Writ Petition on the following terms:-

- (i) the First Respondent shall endeavour to take up the appeal made by the Petitioner against the Special Notice dated 17.12.2022 issued by the second respondent, and after hearing the concerned parties following the prescribed procedure, and pass any order, interim or final, as may be



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deemed fit and proper and till then, the water supply and other facilities provided by the Respondent under the Act, to the property of the Petitioner shall not be disconnected;

- (ii) if it is found that any other details or supporting documents are necessary for granting the relief claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days for the same;
- (iii) in the event of not being satisfied with the said requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated to the concerned parties under written acknowledgment;
- (v) it shall be ensured by the First Respondent that there is atleast one effective hearing every week showing progress of the case;



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(vi) the report of completion of the aforesaid exercise shall be filed before the

Registrar (Judicial) of this Court; and

(vii) there shall be no order as to costs.

28.02.2023

Index : Yes/No

NCC : Yes /No

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Note: Issue order copy by 23.06.2023.

To

1.The Commissioner / Tax Appellate Tribunal,
Pallapatti Town Panchayat,
Aravakurichi Taluk,
Karur District.

2.The Executive Officer,
Pallapatti Town Panchayat,
Aravakurichi Taluk,
Karur District.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.



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P.D. AUDIKESAVALU, J.

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