



W.P. (MD) No. 4408 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 4408 of 2023

Sahul Hameed

... 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: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeals dated 27.01.2023 filed against the special notices dated 17.12.2022 issued by the second respondent within the time frame fixed by this Court and consequently direct the respondents not to disconnect the water connection and not to stop all the facilities provided by the respondent under the Tamil Nadu District Municipalities Act, 1920 of the Pulavar Habibulla Marriage Hall-2 till the disposal of the appeal pending before the first respondent.



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For Petitioner : Mr. I.Velpradeep
For Respondents : Mr. AN.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 grievance ventilated by the Petitioner is that he had preferred appeals dated 27.01.2023 before the First Respondent against the special notices dated 17.12.2022 issued by the Second Respondent, but as it did not evoke any response, he has filed this Writ Petition for directing the Respondents not to disconnect the water connection and other facilities provided by the Respondent under the Tamil Nadu District Municipalities Act, 1920, of the Pulavar Habibulla Marriage Hall-2, till the disposal of those appeals.



3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the appeals dated 27.01.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any condition has to be fulfilled or other details or supporting documents are necessary, 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 days for the same;
- (iii) in the event of not being satisfied with the 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 by 31.10.2023 under written acknowledgment;
- (v) it is needless to add here that the concerned authority is not precluded from passing any order, final or interim, as it may deem fit and proper in the said appeals, and till such orders are passed, *status quo* as on



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date regarding water supply and extending other facilities shall be maintained; and

- (vi) report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

02.03.2023

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Index : Yes/No

Internet : Yes/No

Note: Issue order copy by 04.08.2023

To

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

2. The Executive Officer,
Pallapatti Town Panchayat,
Aravakurichi Taluk,
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P.D.AUDIKESAVALU,J.

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