



W.P.(MD)No.17930 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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1.P.Subbiah Chettiar (Died)

2.Esakkiyammal

3.Ramalakshmi

4.Ramalakshmi

5.Shanmugavel

6.Vasantha

7.Thirumalaikumar

8.Ganesan

9.Arumugaselvi

... Petitioners

(P2 to P9 substituted vide order of this
Court dated 28.11.2023, made in WMP
(MD) No.19060 of 2022 in W.P.(MD)
No.17930 of 2020)

Vs.

1.The Director of Municipal Administration,
Office of Director of Municipal Administration,
Chepauk,
Chennai – 600 005.

2.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tenkasi District.



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3.The Inspector,
(Town and Country Planning),
Tenkasi Municipality,
Tenkasi,
Tenkasi District.

4.N.Sankaralingam

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to conduct an enquiry on the notice dated 06.10.2020 in K.V.No.172/2010 issued by him and complete the proceedings within a stipulated time fixed by this Court by giving opportunity to the 4th respondent.

For Petitioners : Mr.T.Cibi Chakraborty

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1

Mr.Athimoolapandian for R2 & R3

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in the present Writ Petition is to direct the 2nd respondent Commissioner, Tenkasi Municipality, to conduct an enquiry based on the notice dated 06.10.2020 in K.V.No.172/2010 issued under Section 205(1)(2) of Tamil Nadu District Municipalities Act, 1920.



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2. Learned counsel for the petitioners mainly contended that the second respondent failed to conduct enquiry, despite the fact that the notice was issued to the fourth respondent in respect of certain violations.

3. However, we are not inclined to deal with the case on merits regarding the facts placed before us by the petitioners. However, the second respondent has to act based on the notice issued under Section 205(1)(2) of Tamil Nadu District Municipalities Act, 1920. Since the second respondent failed to proceed with the enquiry, we are inclined to consider the relief.

4. Accordingly, the second respondent is directed to proceed with the enquiry based on the notice dated 06.10.2020, by affording opportunity to all the parties and take a decision and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs.

(S.M.S., J.) & (V.L.N., J.)
28.11.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

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