



W.P.(MD)No.18474 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.18474 of 2014

and

M.P.(MD).No.1 of 2014

Syed Apil

... Petitioner

Vs.

1.State of Tamilnadu,

Rep by the District Collector,

Tirunelveli District.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chennai-5.

3.The Regional Director of Municipal Administration,
Ram Popular Salai, K.T.C.Nagar,
Palayamkottai.

4.The Commissioner,
Municipality, Tenkasi.

5.S.Babu

6.Isakkiyappan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents 1 to 4

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to collect a sum of Rs.11,73,000/- from respondents 5 & 6 with 12% interest within a time frame fixed by this Court and is necessary invoking the Revenue Recovery Act and attaching and selling the properties of 5th and 6th respondents.

For Petitioner :Mr.A.Parameswaran

For Respondents :Mr.V.Om.Prakash
Government Advocate for R1 to R3

:Mr.P.Athimoola Pandian for R4

:Mr.M.Mahaboob Athiff for R5

:No appearance for R6

ORDER

This writ petition has been filed seeking for a mandamus, to direct the respondents 1 to 4 to collect a sum of Rs.11,73,000/- from the respondents 5 and 6 with 12% interest, by invoking the proceedings under the Revenue Recovery Act.

2.The case of the petitioner is that he was elected as a ward member and during the tenure of his office, it has been found that there have been many infractions in the functioning of the municipality, by which, huge



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loss has been caused to the municipality, for which, fifth and sixth respondents are responsible. Hence, he had made representations to various authorities calling upon them to take action against the fifth and sixth respondents. As no action has been initiated, he had approached this Court by filing this writ petition.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the fourth respondent had produced a proceedings dated 02.01.2023, wherein, the Director of Municipal Administration, Chennai, had issued notice to the sixth respondent, intimating the sixth respondent about proposal to impose punishments. The said communication also reflects that the sixth respondent has been individually responsible for the loss of Rs.16,58,651/- and jointly responsible for the loss of Rs. 2,37,35,517/-. From the said proceedings, it is clear that the loss occasioned to the fourth respondent municipality.

4.In view of the same, the petitioner is at liberty to approach the second respondent, by making appropriate application to initiate appropriate



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action against all concerned for recovery of the loss that has been caused to the fourth respondent municipality. If such an application is made to the second respondent, the second respondent shall pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes / No
sbn



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K.KUMARESH BABU, J.

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