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W.P.No.12967 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMARAMMOORTHY

W.P.No.12967 of 2024
and W.M.P.Nos.14127 and 14131 of 2024

C.Ananthakumar

... Petitioner

-vs-

1. The Registrar General
High Court Madras, Chennai 600 104.
2. The District Collector,
Erode District, Erode.
3. The Commissioner,
Gobichettipalayam Municipality,
Erode,
4. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
5. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai 600 009.



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(RR4 and 5 suo motu impleaded as per order
dated 22.08.2024 in WP.)

... Respondents

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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the entire records on the file of the 3rd respondent pertaining to the no objection issued dated 25.06.2018 in Na.Ka.No.1843/2018/F1 and quash the same.

For Petitioner	:	Ms.M.Sneha for Mr.M.A.Vimalmohan
For Respondents	:	Mrs.N.K.Kanthimathi for R-1
	:	Mr.A.Edwin Prabakar State Govt. Pleader Assisted by Mr.Karthik Jegannath, Govt. Advocate, for RR 2, 4 & 5
	:	Mr.Haja Nazirudeen, Addl. Adv. General Assisted by Mr.B.Anand, for R-3
	:	Mr.t.Sathyamoorthi for r-6

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Further to our order dated 05.11.2024, respondent No.6, that is,
Gobichettipalayam Municipality has passed a resolution on 11.11.2024



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cancelling the resolution No.946 dated 07.08.2024 under Section 164 in Chapter IV of the Tamil Nadu Urban Local Bodies Act, 2023. The No Objection that has been cancelled is dated 25.06.2018 bearing RC.No.1843/2018/F1, copy whereof is annexed to the affidavit in support of the petition. Counsel for petitioner states that in view thereof, nothing will survive in the petition.

2. At this stage, Ms.Kanthimathi appearing for respondent No.1, the Registrar General of this Court, states that a proposal was submitted way back in June 2020 to the Government to sanction amount towards construction of quarters for III Additional District Judge at Gobichettipalayam in Erode District and Judicial Magistrate (FTC-Magisterial level) at Thiruthuraipoondi in Tiruvarur District, instead of construction of five Judicial Officers quarters in the old court campus at Pasupathipalayam, Karur. Ms.Kanthimathi states that due to Covid Pandemic, nothing was done, but now the impugned 'no objection' having been cancelled and the Covid Pandemic is an event of past, there is no impediment to the Government to immediately sanction the amount as



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requested in the communication dated 27.09.2019 together with escalation.

3. Mr.Prabakar states that the proposal was returned to the High Court, vide communication dated 16.06.2020 and his instructions are that the High Court has not reverted thereafter.

4. Ms.Kanthimathi states that instead of going into the issue as to whether any further communication was sent, etc., the entire proposal set will be handed over to Mr.Prabakar before the end of this week. Mr.Prabakar states, as soon as he receives the same, he shall forward it to the Additional Chief Secretary to Government, Home (CTS-III) Department for processing the same expeditiously.

5. We also direct the Government, the Chief Secretary and the Additional Chief Secretary, Home (CTS-III) Department to start processing



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the papers and ensure that funds are sanctioned at the earliest.

Ms.Kanthimathi states that the Public Works Department is yet to submit a revised estimate, the request for which was made on or about 08.04.2024. The Chief Engineer of Public Works Department is directed to submit the revised estimate within two weeks from today.

6. As regards the land in question, for which the petition was filed, if the Municipality ever proposes to change the use, it shall issue notice in two newspapers, in English and Tamil language, circulated in Erode area, inviting objections and give at least four weeks' time to any person to file objections. Further decision can be taken only after considering the objections and hearing the objectors.

With the aforesaid observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, the interim applications are closed.

(K.R.SHRIRAM., CJ.)

(SENTHILKUMARRAMAMOORTHY, J.)

21.11.2024



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Index : Yes/No
NC : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sra)

To:

1. The Registrar General
High Court Madras, Chennai 600 104.
2. The District Collector, Erode District, Erode.
3. The Commissioner,
Gobichettipalayam Municipality, Erode,
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