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W.P.No. 35021 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.35021 of 2016 and

W.M.P.No.30195 of 2016

N. Rajkumar

.. Petitioner

Versus

1. The Secretary to Government
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Commissioner of Municipal Administration
Chepauk, Chennai – 600 009.

3. The Commissioner, Palladam Municipality
Palladam, Tiruppur District.

4. Mr.P.K. Palanisamy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 3rd respondent from issuing any No Objection Certificate to the 4th respondent and pass orders.



W.P.No. 35021 of 2016

WEB COPY

For Petitioner : Mrs. S.P. Mullai

For Respondents 1 and 2 : Mr.M. Shahjahan
Special Government Pleader

For Respondent-3 : Mr.B. Anand

For Respondent-4 : Mrs. V. Srimathi

ORDER

This writ petition is filed to issue a Writ of Mandamus forbearing the 3rd respondent from issuing any No Objection Certificate to the 4th respondent and pass orders.

2. The case of the petitioner is that he is resident of Palladam Municipality and the 4th respondent is the Vice Chairman of the Palladam Municipality. The second respondent has issued show cause notice dated 22.04.2014 in Proceedings No.Na.Ka.No.340/2014/E1 to the fourth respondent seeking explanation regarding illegal water connection to a marriage hall by name “Vys Kalyanamandapam” owned by him and thereby caused revenue loss to a tune of Rs.65,280/- and loss of caution deposit Rs.8,000/- to the Palladam Municipality. The petitioner has sent



W.P.No. 35021 of 2016

a representation to the respondents stating that there is a separate pipe line from the over head tank to the said marriage hall and also filed a W.P.No.2693 of 2015 seeking writ of Mandamus directing the 4th respondent to disconnect the separate pipe line from the over head tank to the marriage hall and this Court vide order dated 04.02.2015 disposed of the writ petition with a direction to the 3rd respondent to consider the petitioner's representation. To implement the said order the petitioner has filed a representation on 09.05.2015. Pursuant to which the 3rd respondent therein passed an order on 13.11.2015 disqualifying the 4th respondent. However, the 4th respondent filed O.P.No.129 of 2016 before the learned District Court, Tiruppur and the said Election petition is pending. The grievance of the petitioner is that the petitioner has given an representation to the 3rd respondent on 27.09.2016 not to issue N.O.C to the 4th respondent and the same was pending. Hence, this petition.

3. The learned Special Government Pleader appearing for the respondents submitted that pertaining to the very same issue the 4th respondent has already approached this Court in W.P.No.27700 of 2016 and this Court vide order dated 03.10.2016 disposed of the writ petition



W.P.No. 35021 of 2016

with a direction to the respondent to issue “ No Due Certificate” to the 4th respondent.

4. On a perusal of the order passed in W.P.No.27700 of 2016 it is seen that that the prayer sought for by the petitioner has become infructuous and the relevant portion is extracted hereunder:

5. The issue regarding disqualification has to be decided only by the District Court. However, the respondent, is directed to issue “ No due certificate” by observing, without prejudice to the rights of either of the parties. Further, as per Section 50(hh) of the Tamil Nadu District Municipalities Act,1920, if the amount is paid within three months from the date of service of notice, there cannot be any adverse consequences.

6. Without going into the merits, whether the petitioner converted the petitioner converted the domestic water supply connection to commercial and is liable to pay the amount or not and consequent disqualification, which are within the purview of District Court, this Court only directs the municipality to issue “ No due certificate”, without prejudice to the rights of both the parties.



W.P.No. 35021 of 2016

WEB COPY

5. In view of the fact that the respondent was directed to issue “No Due Certificate” to the 4th respondent, the present writ petition filed by the petitioners have become infructuous and the same is accordingly disposed of. Consequently, the connected miscellaneous petition is closed. No order as to costs.

08.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To.

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2. The Commissioner of Municipal Administration
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WEB COPY



W.P.No. 35021 of 2016

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.35021 of 2016 and
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