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W.P.No. 35186 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.35186 of 2016 and

W.M.P.No.30289 of 2016

P.A. Sekar

.. 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 directing the respondents 1 to 3 to consider the petitioner's representation dated 01.10.2016 and to direct the 3rd respondent to cancel the No Objection Certificate issued in favour of the 4th respondent and further to reject the nomination of the 4th respondent for contesting the local body elections to Palladam



Municipality and pass orders.

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 directing the respondents 1 to 3 to consider the petitioner's representation dated 01.10.2016 and to direct the 3rd respondent to cancel the No Objection Certificate issued in favour of the 4th respondent and further to reject the nomination of the 4th respondent for contesting the local body elections to Palladam Municipality 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



W.P.No. 35186 of 2016

WEB COPY

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. One Rajkumar has sent a representation to the respondents to disconnect the separate line to the VYS Kalyanamandapam from the over head tank and also filed a W.P.No.2693 of 2015 seeking writ of Mandamus directing the 4th respondent therein 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 District Collector, Tiruppur District to consider the petitioner's representation. To implement the said order the said Rajkumar has filed a representation on 09.05.2015. Pursuant to which the 3rd respondent herein passed an order on 13.11.2015 disqualifying the 4th respondent. However, the 4th respondent herein filed O.P.No.129 of 2016 before the learned District Court, Tiruppur and the said Election petition is pending. When this being the case, the 3rd respondent has issued NOC to the 4th respondent. Hence, the petitioner has given an representation to the 3rd respondent



W.P.No. 35186 of 2016

on 01.10.2016 to cancel the N.O.C issued 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 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.



W.P.No. 35186 of 2016

WEB COPY

6. Without going into the merits, whether 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.

5. Considering the facts of the case this Court is of the view that the matter pertains to the year 2016 and now almost 8 years have been lapsed and the elections were held subsequently. Hence, nothing survives for further adjudication in this petition and this petition deserves to be dismissed. Accordingly this petition is dismissed. 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
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V.BHAVANI SUBBAROYAN, J.

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