



W.P.No.17263 of 2020

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 12.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17263 of 2020

1.V.D.S.Sundaram
2.M.Venkatesan

.. Petitioners

Vs

1.The Secretary to Govt.,
Municipal Administration and
Water Supply Dept.,
Chennai – 9.

2.The Municipal Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the first respondent to dispose the appeals filing Nos.22768 and 23761 of 2019 filed on 20.09.2020 and 30.09.2020 respectively before the first respondent, within a period of time frame to be fixed by this Court.

For Petitioners : Mr.D.Kamatchi

For R1 : Mr.C.Kathiravan, Spl.GP

For R2 : Mr.L.P.Mourya



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ORDER

The writ petition has been filed for a direction to the first respondent to dispose of the appeals filed by the petitioners in Appeal Nos.22768 and 23761 of 2019.

2. It is seen that the second respondent issued notice to the petitioners on 12.07.2019 along with calculation sheet enhancing rent from Rs.549/- to Rs.5920/-; and from Rs.549/- to Rs.8460/- respectively for the shops occupied by them. Aggrieved by the same, the petitioners filed appeals before the first respondent under Section 322 of the Tamil Nadu District Municipalities Act, 1920 (in short “the Act”) and for better appreciation, the said provision is extracted hereunder:-

***322. Appeals from [executive authority]
to council.***

*(1)An appeal shall lie to the council from -
(a)any notice issued or other action taken
or proposed to be taken by the [executive
authority]*

*(i)[under section] [131,139]
146,147,148,150,205 sub-section (1) and sub-
section (3), 216 sub-section (3), 218 sub-section*



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(1), 219 sub-section (1), 224 sub-section (1), 226,236, [246 or 247];

(ii) under any by-law concerning house drainage and the connection of house drains with municipal drains or house connexions with municipal water-supply or lighting mains; or

(b) any refusal by the [executive authority] to approve a building site under section 200; or

(c) any order of the granting or refusing a licence or permission;

(d) any order of the [executive authority] made under section 321, sub-section (5), suspending or revoking a licence; or

(e) any other order of the [executive authority] that may be made appealable by rules under section 303.

(2) The decision of the council on any such appeal shall be final.

3. In view of the above, it is clear that only after the order passed by the Executive Authority under Section 321(5) of the Act suspending or revoking a license, the same can be a subject matter of statutory appeal before the Council. However, in the case on hand, no order has been passed by the second respondent under Section 321(5) of the Act either



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suspending or revoking license or permission granted. Only a notice has been issued to the petitioners directing them to pay revised rent by the second respondent. Therefore, the appeals itself filed by the petitioners before the first respondent are not maintainable in law and hence, on this count, the direction sought for in this writ petition cannot be considered and accordingly, the writ petition stands dismissed. No Costs. The second respondent is directed to proceed against the petitioners in accordance with law. Consequently, connected miscellaneous petitions are closed.

12.09.2024

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To

- 1.The Secretary to Govt.,
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Water Supply Dept.,
Chennai – 9.
- 2.The Municipal Commissioner,
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G.K.ILANTHIRAIYAN, J.

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