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W.P.No.20436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.20436 of 2024

&

W.M.P.No.22383 of 2024

in

W.P.No.20436 of 2024

Mr.S.Prakash

... Petitioner

Vs.

1. Commissioner
City Municipal Corporation of Hosur
Hosur – 635 109
Krishnagiri District

2. R.Sankar

3. District Revenue Officer
J-2 Section
Office of the Collectorate
Krishnagiri – 635 001

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records

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relating to impugned notice in Na.Ka.No.9774/2012/F1 dated 08.07.2024 of the 1st Respondent and quash the same so illegal and directing the 1st respondent to wait for the outcome of the appeal in Na.Ka.32138/2023/J2 dated 21.12.2021 pending before the District Revenue Officer, Krishnagiri, the third respondent herein.

For Petitioner : Mr.Rathina Asokan
For Respondents : Mr.T.Balaji
Standing Counsel
for Hosur Corporation (R1)
Mr.P.Balathandayutham
Special Government Pleader for R3

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned 'Writ petition' ['WP' for the sake of brevity] has been filed assailing a 'notice dated 08.07.2024 bearing reference ந.க.எண் 9774/2012/எஸ்1 issued by R1 [Commissioner, City Municipal Corporation of Hosur, Hosur – 635 109, Krishnagiri District]' {hereinafter 'impugned notice' for the sake of convenience and clarity}

2. Mr.Rathina Asokan, learned counsel for writ petitioner is before us on the 'VC' ['Videoconferencing'] platform. Learned counsel submits that



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subject matter of the captioned WP pertains to land comprised in T.S.No.165, Block 19, Ward No.'D' situate within Hosur Corporation in Krishnagiri District' [hereinafter 'said land' for the sake of convenience and clarity].

3. Learned counsel for writ petitioner, advertent to the writ affidavit submits that an appeal being appeal dated 21.12.2023 bearing reference Na.Ka.No.32138/2023/J2 pertaining to said land i.e., patta proceedings is pending before R3 and pending appeal, the impugned notice has been issued by R1.

4. Issue notice regarding admission to official respondents.

5. Mr. T. Balaji, Standing Counsel accepts notice for R1, Mr. P. Balathandayutham, learned Special Government Pleader accepts notice for R3.

6. Learned State counsel for R3 submits, on instructions, that the aforementioned appeal dated 21.12.2023, now pending before R3, will be disposed of within four weeks from today i.e., by 21.08.2024. This submission is recorded.

7. In the light of the narrative thus far, the legal perimeter within



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which the captioned WP should now perambulate has vastly dwindled and therefore, with the consent of learned counsel on both sides main WP is taken up in the admission Board.

8. We are acutely conscious that R2 (private respondent) is not before us and therefore, we will be putting in a safety valve as regards R2 infra.

9. In the light of the narrative thus far, the following order is made:

i) R3 shall now dispose of the appeal being appeal dated 21.12.2023 bearing reference Na.Ka.No.32138/2023/J2 within four weeks from today i.e., by 21.08.2024 [this is based on the stated position of the learned State counsel];

ii) The order made in the appeal shall be communicated to the writ petitioner under due acknowledgment within five working days from the date of disposal;

iii) In the course of disposal of the appeal, R2 will also have his say as we are informed that he is participating in the enquiry before R3. All rights and contentions of R2 in this regard are preserved. This is the safety valve which we are putting in qua R2;



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iv) The order in appeal to be made by R1 being served on the writ petitioner, writ petitioner will have 7 days time from the date of service for responding to the impugned notice which shall now be treated as a 'show-cause notice' ['SCN' for the sake of brevity] within the meaning of Section 128(1)(b) of 'the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity]. To be noted this is owing to the language in which Section 128(1)(b) of TNULB Act is couched which provides for noticee being show-caused;

v) In the aforementioned 7 days window if R2 makes a representation, the same shall be considered by R1 while making final orders and this is owing to proviso to Section 128(1)(b) of TNULB Act. This is another safety valve which we put in qua R2;

vi) All questions are left open, all rights and contentions of writ petitioner, R2 and any other person concerned are preserved



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qua appeal as well as the impugned notice which is now being

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Captioned main WP disposed of with the aforesaid directives and preservation of rights in the aforesaid manner. Consequently, captioned writ miscellaneous petition is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
24.07.2024

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No
gpa

To

1. Commissioner
City Municipal Corporation of Hosur
Hosur – 635 109
Krishnagiri District

2. District Revenue Officer
J-2 Section
Office of the Collectorate
Krishnagiri – 635 001

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M.SUNDAR, J.,
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