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W.P.No.29664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.29664 of 2024
and W.M.P.No.32314 of 2024

R.JOSEPHINE

.. Petitioner

Vs

THE COMMISSIONER
KRISHNAGIRI MUNICIPALITY,
KRISHANGIRI.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records pertaining to the proceedings in Na.Ka.No.2751/2024/F1, dated 23.09.2024 pending on the file of the respondent and quash the same.

For Petitioner : Mr.V.Subramanian

For Respondent : Mr.T.Balaji
Standing Counsel

ORDER

(Order of the Court was made)



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by the Hon'ble Chief Justice)

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One of the main grounds in the petition is that impugned notice could not have been issued by respondent because he has no authority under any law to issue such a notice.

2. Shri Balaji, learned counsel for respondent, states that this notice came to be issued in view of the specific direction given by this court in its order dated 8.2.2024 in W.P.No.13203 of 2022. Learned counsel further states that it should have been clarified to the court that the action should be actually taken by the District Collector and not the Commissioner.

3. In view of the above, without going into the merits and keeping open all rights and contentions of the parties, we hereby quash and set aside the impugned notice dated 23.9.2024. The appropriate authority may take such steps, as available, in accordance with law.

4. A copy of this order be forwarded to the Principal Secretary, Public Works Department as well as State Government Pleader for necessary action.



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5. At this stage, Shri Balaji, learned counsel for respondent, states that identical notices have been issued to six other parties. Counsel states that he will advise the Commissioner suitably to take steps to withdraw those notices so that the appropriate authority may issue notice. Statement accepted.

Petition is disposed of. There shall be no order as to costs. Consequently, interim application stands disposed of.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

14.10.2024

Index : Yes/No
NC : Yes/No
sasi

To:

1. THE COMMISSIONER
KRISHNAGIRI MUNICIPALITY,
KRISHANGIRI.



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2. THE PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT
STATE OF TAMIL NADU
FORT ST. GEORGE, CHENNAI.
3. THE STATE GOVERNMENT PLEADER
GOVERNMENT PLEADER OFFICE
HIGH COURT CAMPUS, MADRAS.



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

(sasi)

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