



W.P(MD)No.8813 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.8813 of 2018
and
W.M.P(MD)Nos.8247 & 8248 of 2018**

Mary Ann Matric Higher Secondary School,
Represented by its Chairman,
A.Jeyapaul.

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Law Department,
Secretariat,
Chennai – 09.

2.The Municipal Administration and Water Supply Department,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 09.

3.The Madurai Corporation,
Represented by its Commissioner,
Madurai Corporation Building,
Madurai.

... Respondents



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WEB COPY PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare Part III of the Gazette Notification dated 25.01.2018 pertaining to the Amendment made in Section 122 of the Madurai City Municipal Corporation Act, 1971 as illegal.

For Petitioner	: Mr.S.Rajasekar
For Respondent Nos.1 & 2	: Mr.T.Amjadkhan Government Advocate
For Respondent No.3	: Mr.K.Sivabalan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The instant Writ Petition has been filed to declare Part III of the Gazette Notification dated 25.01.2018 pertaining to the Amendment made in Section 122 of the Madurai City Municipal Corporation Act, 1971 as illegal.

2.When the matter was taken up for hearing today, learned counsel appearing for the petitioner would submit that in an identical situation, the Division Bench of this Court in ***W.P(MD)No.362 of 2019, dated 25.02.2020 [The Correspondent Vs. The Secretary and***



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others] has upheld that the amendment is only with prospective effect and not with retrospective effect. The said Judgment is squarely applicable to the facts and circumstances of the case on hand.

3.In view of the above submission, this Writ Petition is disposed of in terms of the order passed in ***W.P(MD)No.362 of 2019, dated 25.02.2020 [The Correspondent Vs. The Secretary and others]***. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
11.03.2024

NCC : Yes / No
Index : Yes / No
ps



WEB COPY



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To

- 1.The Election Commission,
Tamil Nadu State Co-operative Societies,
Represented by Election Commissioner,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Chennai – 600 018.
- 2.The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
- 3.The Election Officer,
D.P.2 Periyakottai Primary Agricultural Co-operative
Credit Society,
Oddanchathiram Taluk,
Dindigul.
- 4.The Special Officer,
D.P.2 Periyakottai Primary Agricultural Co-operative
Credit Society,
Oddanchathiram Taluk,
Dindigul.



WEB COPY



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.8813 of 2018

DATED : 11.03.2024