



W.A.(MD)No.1253 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.1253 of 2024

and

C.M.P.(MD)No.9655 of 2024

- 1.The Secretary to Government,
Housing and Urban Development,
The Secretariat, Chennai.
- 2.The Director of Town and Country Planning,
O/o. The Director of Town and Country Planning,
No.807, Anna Salai, Chennai-2.
- 3.The District Collector,
Madurai District, Madurai.
- 4.The Member Secretary,
Madurai Local Planning Authority,
3rd Floor, Corporation Office Building,
Madurai.

... Appellants

-Vs-

- 1.M.A.Mohamed Abdul Kathar
- 2.Madurai Municipal Corporation,
Through its Commissioner,
Corporation Office,
Alagar Kovil Road, Thallakulam, Madurai.

... Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 27.09.2023 made in W.P.(MD)No.15926 of 2023 on the file of this Court.

For Appellants : Mr.N.Satheesh Kumar,
Additional Government Pleader
For R1 : Mr.N.S.Karthikeyan
For R2 : Mrs.S.Devasena,
Standing Counsel

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

This Appeal has been directed against the order passed by the Writ Court, dated 27.09.2023 made in W.P(MD)No.15926 of 2023.

2.Against the very same impugned order, already Writ Appeals have been filed. In one such Writ Appeal in W.A(MD)No.534 of 2024 in the matter of ***Directorate of Town and Country Planning and another Vs. Gokila***, we passed an order on 02.04.2024, which reads thus:

'2.Though the order passed by the Writ Court has been questioned in this Writ Appeal, when the case is taken up for admission, the learned Additional Government Pleader appearing for the appellants would contend that only against awarding of cost by the learned Single Judge in the order



impugned, this Writ Appeal has been filed. Therefore, to that extent, if the cost imposed by the learned Single Judge is interfered with, the appellants would be satisfied without canvassing the points on merits with regard to the order passed by the Writ Court.

3.He would further submit that in the similar line already the Writ Appeal in W.A.(MD)No.414 of 2024 was allowed by the co-ordinate Bench of this Court by order dated 19.03.2024, by passing the following orders:-

“2.Mr.T.Amjadkhan, learned Government Advocate appearing for the State has submitted that the appellants have filed this Writ Appeal only challenging the cost imposed on the appellant Department by the Writ Court and as far as the remaining portion of the order of the Writ Court is concerned, they are not aggrieved and therefore, he seeks to set aside the order of imposing cost on the appellant Department.

3.The learned Senior Counsel appearing for the respondent has no objection for setting aside the cost imposed by the Writ Court.

4.In view of the said submissions made by both the parties, this Writ Appeal stands allowed by setting aside the cost imposed on the appellant Department by the Writ Court. We make it clear that the rest of the portion of the order passed by the Writ



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Court remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.”

4.Recording the said submission made by the learned Additional Government Pleader for the appellants, following the said order passed by the co-ordinate Bench of this Court, dated 19.03.2024, this Writ Appeal is partly allowed, where the order passed by the Writ Court, which is impugned herein, is to be sustained except the awarding of the cost. To that extent, the order impugned is modified. Accordingly, this Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

3.In this Writ Appeal also, since a similar order has to be passed as stated by the learned Additional Government Pleader appearing for the appellants, this Writ Appeal is partly allowed, where the order passed by the learned Single Judge is to be sustained, accordingly, it is sustained, except with regard to the order for payment of costs. Accordingly, this Writ Appeal is partly allowed to the terms indicated above. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
30.07.2024

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