



W.P(MD)Nos.3635 of 2008 & 1419 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)Nos.3635 of 2008 & 1419 of 2018
and
W.M.P(MD)Nos.1475 & 1476 of 2018**

W.P(MD)No.3635 of 2008:

K.Muthuchamy

... Petitioner

vs.

1.The Government of Tamil Nadu,
Through its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai.

2.The Executive Officer,
T.Kallupatti Town Panchayat,
Peraiyur Taluk,
Madurai District.

3.T.Kallupatti Town Panchayat,
Through its President,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, calling for the



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records from the first respondent relating to the impugned Government Order in G.O.Ms.No. 92 dated 03.07.2007 Municipal Administration and Water supply Department, Government of Tamil Nadu and quash the same and thereby forbearing the respondents 2 and 3 from renewing the license for the shops belonging to the T. Kallupatti Town Panchayat in favour of the erstwhile licensees and consequentially directing the second respondent to conduct a fresh public auction /tender for licensing the said shops.

For Petitioner

: Mr.J.Barathan

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1

: No appearance
for R.2 & R.3

W.P(MD)No.1419 of 2018:

Arumugam

... Petitioner

vs.

- 1.The Secretary to the Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 9.
- 2.The Commissioner,
Nagercoil Municipality,
Kanyakumari District.
- 3.The Director of Town Panchayat,
Kuralagam,
Chennai – 108.



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4.The Secretary to Government,
Rural Development Panchayat Raj Department,
Fort St. George,
Chennai - 9.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in G.O.Ms.No.92 of Municipal Administration and Water supply Department, dated 03.07.2007 passed by the first respondent and struck down the same consequently declare as illegal, unconstitutional and ultra vires the Constitution of India.

For Petitioner

: Mr.Abul Kalaam Azad

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1, R.3 & R.4

: Mr.P.Athimoola Pandian
for R.2

COMMON ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

In these Writ Petitions, though the challenge has been made to G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 passed by the first respondent when these Writ Petitions



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are taken up for hearing, the learned counsel appearing for the petitioner as well as learned counsel appearing for the respondents have brought to our notice that under Section 78 of the Tamil Nadu Urban Local Bodies Act, 1998 (in short hereinafter referred to as 'the Act'), a procedure has been contemplated under which how such kind of leases can be extended for giving the public largesse to the successful action purchasers which has been restricted to maximum period of three years. Therefore, the grievance that has been espoused in these Writ Petitions by the petitioners since has been redressed by bringing the said legislation, especially under Section 78 of the said Act, we feel that no further order is required in these Writ Petitions.

2.Hence, recording the same, these Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.K.,J.] [G.A.M.,J.]
22.04.2024

NCC : Yes / No
Index : Yes / No
ps

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To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai.
- 2.The Executive Officer,
T.Kallupatti Town Panchayat,
Peraiyur Taluk,
Madurai District.
- 3.T.Kallupatti Town Panchayat,
Through its President,
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)Nos.3635 of 2008 & 1419 of 2018

DATED : 22.04.2024