



W.P.No.33667 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.33667 of 2025

and

W.M.P. No.37781 of 2025 in W.P. No.33667 of 2025

M.Sellappan

... Petitioner

Vs.

1.The District Collector,
Office of the New Collectorate,
Vazhudavoor Road, Pettaiyanchathiram,
Petayan Chathiram, Puducherry.

2.The Tahsildar cum Chairman,
Administrative Advisory Committee,
Taluk Office, Oulgrade,
Puducherry.

3.The Commissioner,
Oulgaret Municipality,
Puducherry – 5.

4.S.Velmurugan

5.S.Murugaian

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records connected

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with the notice issued in F.No.51-32/AE-II/JE-3/OM/2022-23 dated 23.07.2025 passed by the third respondent and quash the same.

For Petitioner : Mr.R.Naresh Kumar

ORDER

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

An 'order dated 23.07.2025 bearing reference F.No.51-32/AE-II/JE-3/OM/2022-23' made by third respondent (hereinafter 'impugned order' for the sake of convenience and clarity) has been assailed.

2. Impugned order has been made under Section 416 of The Pondicherry Municipalities Act, 1973 and it is an appealable order. Appeal provision is Section 420, which reads as follows:

'420.Appeal.- (1) An appeal shall lie from every order of the Commissioner made in respect of any municipal premises under section 416 or Section 418 to an appellate officer who shall be the District Judge or any other Judge not below the rank of a Subordinate Judge as may be specified by him in his behalf.



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(2) *An appeal under sub-section (1) shall be preferred, ---*

(a) in the case of an appeal from an order under section 416, within fifteen days from the date of publication of the order under sub-section (1) of that section; and

(b) in the case of an appeal from an order under section 418, within fifteen days from the date on which the order is communicated to the appellant;

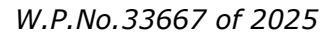
Provided that the appellate officer may entertain the appeal after the expiry of the said period of fifteen days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

(5) The cost of any appeal under this section shall be in the discretion of the appellate officer.'

3. A careful reading of the appeal provision makes it clear that there is a provision for Condonation of Delay (CoD) as well as provision for stay of enforcement. There is no material to demonstrate that alternate remedy is not efficacious or effective.



I may be permitted to withdraw this
first petition. in W.P. 33667/2025 in
comp. 37721/25
With liberty to file an appeal
before the District Court
Puducherry.

[Signature] 603(b)/10
(R. M. S. K. K. K. K.)

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in accordance with law (including CoD and stay petition, if any)
untrammelled by instant order of withdrawal.

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6. Captioned WP is disposed of as closed/withdrawn albeit with preservation of rights and observations in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (M.S.K.,J.)
04.09.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The District Collector,
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Vazhudavoor Road, Pettaiyanchathiram,
Petayan Chathiram, Puducherry.
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Taluk Office, Oulgrade,
Puducherry.
- 3.The Commissioner,
Oulgaret Municipality,
Puducherry – 5.

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**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**
mmi

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