



W.P.No.39341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.39341 of 2024

and

W.M.P.No.42608 of 2024

Park College of Engineering & Technology
Rep. by its General Manager
S.Sathish Kumar

... Petitioner

Vs.

1. The District Collector
Coimbatore District.
2. The President
Kaniyur Panchayat
Coimbatore District.
3. K.Veluchamy
The President
Kaniyur Panchayat
Coimbatore District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari, calling for the entire records relating to

Page Nos.1/8



W.P.No.39341 of 2024

the notice issued by the 2nd respondent in Na.Ka.No.69/2023/Ka.KeUoo dated 11.09.2024 and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram
For Respondents : Mr.M.S.Arasakumar
Government Advocate, for R1
Mr.P.Sathish
Additional Government Pleader
for R2

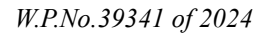
ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a certiorari prayer assailing an 'order / notice dated 11.09.2024 bearing reference Na.Ka.No.69/2023/Ka.KeUoo issued by R2' {hereinafter 'impugned notice' for the sake of brevity}.

2. Mr.L.P.Shanmugasundaram, learned counsel on record for writ petitioner is before us.

3. Before we proceed further, we deem it appropriate to extract and reproduce the impugned notice, we do so and a scanned reproduction of the same is as follows:





W.P.No.39341 of 2024

4. A perusal of the impugned notice brings to light that it is in two parts, one part pertains to demolition of a decorative arch and another part pertains to demand of property tax and profession tax. Learned counsel for writ petitioner very fairly submitted that he is restricting his challenge to the impugned notice with regard to first part i.e., demolition of decorative arch alone and that he is not assailing the second part of the impugned notice pertaining to demand of property tax and profession tax. In this regard, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

I am Challenging the
order of the 2nd Respondent
dated 11.09.2024 I request
to my prayer with regard
to demolition of arch alone,
not other property tax etc,
3/1/25

5. Learned counsel for writ petitioner submits that decorative arch has been in existence for a long time and the impugned notice has been issued with *mala fide* intention qua R3.



W.P.No.39341 of 2024

6. Issue notice for official respondents.

WEB COPY

7. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and Mr.P.Sathish, learned Additional Government Pleader accepts notice for R2.

8. Considering the limited scope of captioned WP and also taking into account the position that we would be preserving rights and contentions of R3, main WP was taken up in the Admission Board with the consent of both sides.

9. Learned State Counsel submitted, on instructions that the impugned notice has been issued under 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' {hereinafter 'said Act' for the sake of brevity, convenience and clarity}. Learned State Counsel further submitted that on 24.12.2024, there was a road accident and in the accident, the decorative arch has been destroyed completely. This submission is recorded. Learned State Counsel also submits that First Information Report has been registered and enquiry is underway. Let law take its course.

10. In the light of the narrative thus far, we find that nothing really survives in the captioned WP. However, as regards decorative arch if there



W.P.No.39341 of 2024

is any further demolition required or if it has not been completely destroyed as submitted by learned State Counsel, we make it clear that the writ petitioner should be show caused and given an opportunity before further demolition. Likewise, we also preserve all rights and contentions of writ petitioner as well as R3 with regard to alleged *mala fides*.

In the light of the narrative thus far, we dispose of the captioned WP as closed recording the stated position of learned counsel on both sides. Consequently, captioned Writ Miscellaneous Petition thereat is also disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

03.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk



WEB COPY



W.P.No.39341 of 2024

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

mk

To

1. The District Collector
Coimbatore District.
2. The President
Kaniyur Panchayat
Coimbatore District.

W.P.No.39341 of 2024

03.01.2025

(1/2)

Page Nos.8/8