



W.P(MD)No.8270 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.8270 of 2025

S.M.Jeyasrithar

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Municipal Administration,
(Urban and Water Supply),
St. George Fort,
Chennai – 600 009.

2.The Kulithalai Municipality,
Represented by its Commissioner,
Kulithalai – 639 104,
Karur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration that Section 198(2)(xviii) of the Tamil Nadu Urban Local Bodies Act, 1998 is void and to grant such other reliefs.



W.P(MD)No.8270 of 2025

WEB COPY

For Petitioner : Mr.S.Jayavel

For R – 1 : Mr.P.Thilak Kumar
Government Pleader

For R – 2 : Mr.J.Parekh Kumar

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

All enactments and its objectives are to be protected by the Courts unless any of the provisions are proved to be unconstitutional. The scope of challenging the Act is limited and the Courts have already settled the principles that the legislative wisdom must be protected in all circumstances and Courts cannot read down the provisions beyond its language and scope so as to give different meaning.

2.In the present case, the Writ Petition has been instituted questioning the constitutional validity of Section 198(2)(xviii) of the Tamil Nadu Urban Local Bodies Act, 1998 (in short hereinafter referred to as “the Act, 1998”). Section 198 contemplates the “Power to make rules”. Sub-Section (1) denotes that “the Government may make rules prospectively or retrospectively for



W.P(MD)No.8270 of 2025

WEB COPY

carrying out all or any of the purposes of this Act. Thus, it is a general power of rule making conferred on the Government by the legislature. Sub-clause (xviii) of sub-Section (1) to Section 198 stipulates that “the fee to be paid in respect of any application for grant or renewal of licence and for appeal under this Act.”

3.In exercise of the powers conferred under Section 198(1)(xviii) of the Act, 1998, the Government is empowered to notify rules regarding the fee to be paid in respect of any applications submitted for the grant or renewal of licence and for appeal under this Act. This power conferred *per se* would not constitute a ground to declare the impugned provision as unconstitutional. It is a general power conferred in the enactments so as to ensure that the fee is fixed uniformly by the appropriate Government.

4.The learned counsel appearing for the petitioner would submit that the impugned provision is violative of Article 243(X) of the Constitution of India. However, the said article has no relevance in the context of the power to make rules conferred on the Government under Section 198 of the Act, 1998. Rule making powers are conferred under the enactments to enable the Government to



W.P(MD)No.8270 of 2025

WEB COPY

frame rules prescribing procedures so as to give effective implementation of the Act and to reach its objectives. Therefore, this Court does not find any acceptable grounds to form an opinion that the impugned provision is ultra vires the Constitution.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.8270 of 2025

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and
DR.A.D.MARIA CLETE, J.

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