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W.A.(MD)NO.1818 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.A.(MD)Nos.1818 & 1819 of 2024

W.A.(MD)No.1818 of 2024

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
St. George Fort,
Chennai – 600 009.
2. The Director of Town Panchayats,
Urban Administrative Building,
75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.
3. The District Collector,
Kanyakumari District,
at Nagercoil.
4. The Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.
5. Kaliakkavilai Town Panchayat,
Rep. by its Executive Officer,
Kaliakkavillai,
Kanyakumari District.



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6. The Special Officer,
Kaliakkavilai Town Panchayat,
Kaliakkavillai,
Kanyakumari District.

... Appellants/Respondents

Vs.

Kaliakkavilai Thinasari Santhai
Viyabarigal Nala Sangam,
Rep. by its Secretary,
New No.1-112, St. Anthoniyar Complex,
Kaliakkavilai Post,
Kanyakumari District.

... Respondent / Writ petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 07.12.2023 made in W.P.(MD) No.1611 of 2021 and allow this writ appeal.

For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.T.Amjad Khan,
Government Advocate.

For Respondents : Mr.M.Mahaboob Athiff

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W.A.(MD)No.1819 of 2024

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
St. George Fort,
Chennai – 600 009.



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2. The Director of Town Panchayats,
Urban Administrative Building,
75, Santhome High Road,
MRC Nagar,
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Kanyakumari District,
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5. Kaliakkavilai Town Panchayat,
Rep. by its Executive Officer,
Kaliakkavillai,
Kanyakumari District.

6. The Special Officer,
Kaliakkavilai Town Panchayat,
Kaliakkavillai,
Kanyakumari District.

... Appellants/Respondents

Vs.

C.Kuttappan

... Respondent / Writ petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 07.12.2023 made in W.P.(MD) No.13251 of 2021 and allow this writ appeal.

For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.T.Amjad Khan,
Government Advocate.



For Respondents : Mr.M.Mahaboob Athiff

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COMMON JUDGMENT

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The primary issue arising for consideration is whether the Special Officer of the Kaliyakkavilai Town Panchayat could have fixed the entry fee / license fee for the market. The learned single Judge held that the Special Officer has not been conferred with any such statutory power. Aggrieved by the order of the learned single Judge, these writ appeals have been filed.

3. The learned Additional Advocate General points out that Section 375B of the Tamil Nadu District Municipalities Act inserted in the year 2016 itself confers such power but unfortunately the attention of the learned single Judge was not drawn to this amendment. The said provision reads as follows:-

**“375-B. Appointment of Special Officers –**

Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the Municipalities or the Town Panchayats, as the case may be, until the day on which the first meetings of the councils are held after ordinary elections to the Municipalities or the Town Panchayats, as the case may be, after the date of commencement of the Tamil Nadu Municipal Laws(Third Amendment) Ordinance, 2016 or upto the 31st day of December, 2016, whichever is earlier.”

4.In view of the above, the learned single Judge could not have held that the action of the Special Office was one without jurisdiction. To this extent, the order impugned in this writ appeal is set aside. These writ appeals are disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
27th March 2026

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

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W.A.(MD)NO.1818 OF 2024

G.R.SWAMINATHAN, J.

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