

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE R.MAHADEVAN

WP.NOS.2936, 2941, 2944 , 2960, 2964 AND 2969 OF 2019

AND

WMP.NOS.3204, 3207, 3208, 3209, 3212, 3213, 3228, 3230,
3233, 3234, 3237 AND 3238 OF 2019

- 1 N.KAMALA KANNAN PETITIONER in WP No.2936 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DISTRICT
- 1 S.ARULDASS PETITIONER in WP No.2941 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DISTRICT
- 1 K.RAJKUMAR PETITIONER in WP No.2944 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DISTRICT
- 1 D.THAYANITHI PETITIONER in WP No.2960 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DISTRICT
- 1 N.K.HAROON RASHEED PETITIONER in WP No.2964 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DT
- 1 K.KAMALANATHAN PETITIONER in WP No.2969 of 2019
REVENUE ASSISTANT ARAKKONAM MUNICIPALITY
ARAKKONAM VELLORE DT

Vs

THE COMMISSIONER, [RESPONDENTS IN ALL THE PETITIONS]
ARAKKONAM MUNICIPALITY, ARAKKONAM,
VELLORE DISTRICT.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other Writ or Direction or order in the nature of writ

1. WP No.2936 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

2. WP No.2941 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

3. WP No.2944 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

4. WP No.2960 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

5. WP No.2964 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

6. WP No.2969 of 2019

To call for the records relating to the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of Natural Justice and thereby direct the respondent herein to refund the recovered from the petitioner

7. WMP No.3204 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018

8. WMP No.3207 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ petition

9. WMP No.3208 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018

10. WMP No.3209 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ petition

11. WMP No.3212 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018

12. WMP No.3213 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ petition

13. WMP No.3228 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018

14. WMP No.3230 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ petition

15. WMP No.3233 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018

16. WMP No.3234 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ

petition

17. WMP No.3237 of 2019

To dispense with the production of the original impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No.877/ 2017/ A1 dated 04.06.2018 and;

18. WMP No.3238 of 2019

To Stay the operation of the impugned order passed by the Commissioner, Arakkonam Municipality vide proceedings No. Na.Ka.No. 877/ 2017/ A1 dated 04.06.2018 pending disposal of the above writ petition 2969/19 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.R.SURESH, Advocate for the petitioner in each the petitions and of M/S.R.GOVINDASAMY Special Government Pleader for the respondent in all the petitions the court made the following order:-

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondent and seeks time for getting instructions.

2. According to the learned counsel for the petitioners, without issuing any notice and without providing an opportunity of personal hearing to the petitioners, the respondent authorities have passed orders, effecting recovery from the salary of the petitioners towards collection of time barred debts relating to property tax, professional tax, etc. from the general public. Such action of the respondent authorities is arbitrary, illegal and in violation of the principles of natural justice.

3. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioners, there shall be an order of interim stay, with regard to recovery alone, for a period of two weeks.

4. Notice to the respondent returnable in two weeks. Private notice is also permitted. Post after two weeks.

-sd/-

01/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE COMMISSIONER
ARAKKONAM MUNICIPALITY, ARAKKONAM,
VELLORE DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

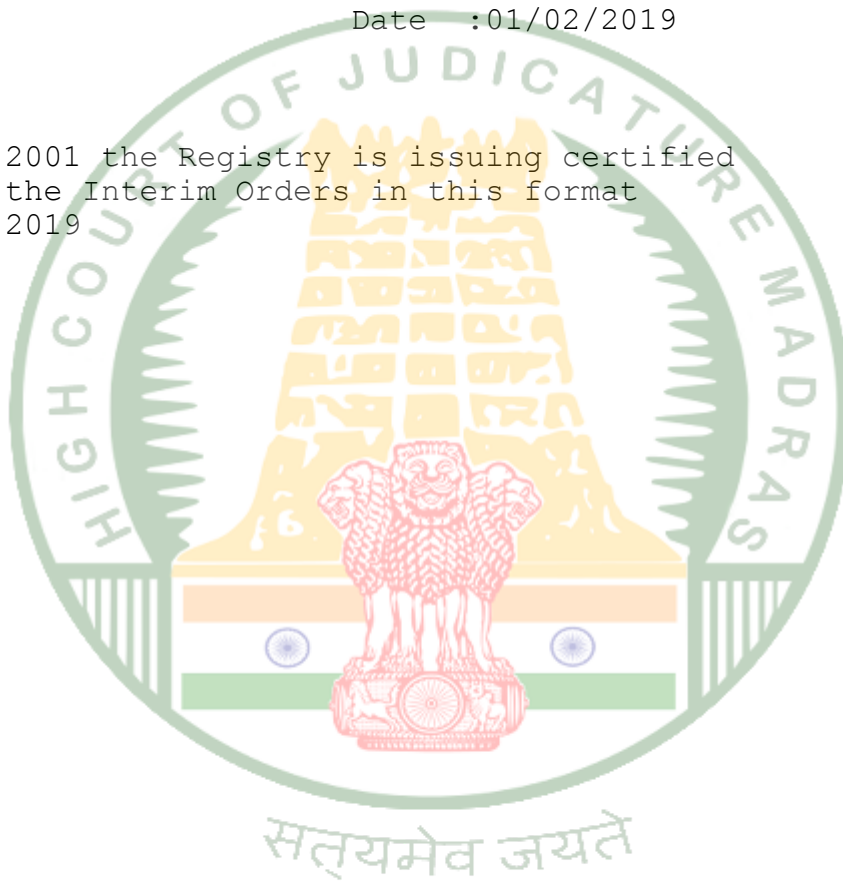
Order
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AND

WMP NOS.3204, 3207, 3208, 3209, 3212, 3213, 3228, 3230,
3233, 3234, 3237 AND 3238

Date :01/02/2019

From 26.2.2001 the Registry is issuing certified
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SDR 19.02.2019



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