

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5702/2014

ASSOCIATION OF MANAGEMENT OF COIMBATORE

Appellant(s)

VERSUS

THE PRESIDENT, K.VELLAKULAM PANCHAYAT & ANR.

Respondent(s)

O R D E R

Learned senior counsel Shri G. Umapathy submitted that he has instructions to withdraw this appeal as it has been filed by the Association Of Management Of Coimbatore as there may be individual member educational institutions who are agitating their *lis* in their individual capacity.

His submission is placed on record.

Consequently, the civil appeal is dismissed as withdrawn owing to the aforesaid reason.

., J
[B.V. NAGARATHNA]

., J
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI,
JULY 24, 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5704-5713 OF 2014

VIDHYA VIKAS GIRLS HIGHER SECONDARY SCHOOL

Appellant(s)

VERSUS

THE PRESIDENT, VARAGOORAMPATTI PANCHAYAT AND ANR.

Respondent(s)

WITH

CIVIL APPEAL NOS.6547 OF 2024

O R D E R

Learned counsel Mr. M. A. Chinnasamy appearing for the appellants submitted that these appeals assail the order of the learned Single Judge passed by the Madras High Court in Kaamadhenu Arts and Science College, represented by its correspondent vs. State of Tamil Nadu and others disposed of on 30.07.2010 and in the case of Vetri Vikaas Girls Higher Secondary School, represented by its Secretary and Anr. vs. State of Tamil Nadu, represented by its Secretary to Government and others disposed of on 10.08.2021. He submitted that the reason as to why these civil appeals were filed before this Court was because as against the judgment of the learned Single Judge referred to above, writ appeals were filed before the Division Bench of the Madras High Court which were dismissed for non-prosecution by order dated 17.06.2011 and

therefore, the appellants filed the appeals directly before this Court.

Learned counsel further submitted that if this Court is to consider restoring the appeals before the Division Bench of the Madras High Court which were dismissed for non-prosecution then liberty may be reserved to the appellants herein to file writ appeals before the Division Bench in which event, the issue of limitation may not be raised.

In the circumstances, we dispose of these civil appeals by reserving liberty to the appellants herein to file writ appeals before the Division Bench of the Madras High Court if so advised as we have restored the writ appeals as well as writ petitions before the Division Bench of the Madras High Court by a separate order.

The civil appeals shall be filed within a period of six weeks from today. If they are so filed, then the issue of limitation shall not be raised by the Madras High Court.

Pending application(s), if any, shall also stand disposed of.

.,J
[B.V. NAGARATHNA]

.,J
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI,
JULY 24, 2024

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.5751 OF 2014

ANGAMMAL EDUCATIONAL TRUST

Appellant(s)

VERSUS

THE PRESIDENT, K. VELLAKULAM PANCHAYAT AND ANR.

Respondent(s)

WITH

CIVIL APPEAL NO.5703 OF 2014

O R D E R

We have heard learned senior counsel for the appellants as well as learned senior counsel for the respondent-State and other authorities.

During the course of submissions, it was brought to our notice that insofar as the period 1999-2008 is concerned, admittedly there was no demand made on these appellants. However, by way of abundant caution, they filed these appeals against the order of the Full Bench thinking that the said order may be applied as against them also.

In the circumstances, learned counsel for the respective parties submitted that appropriate orders may be made in these two appeals.

If really, there was no demand made as against these appellants during the period 1999-2008 until the amendment was

made, these appellants had no cause to be aggrieved at all.

In the circumstances, we find the filing of the appeals even by way of abundant caution was wholly unnecessary. Therefore, we dispose of these appeals with the observation that for the period from 1999 to 2008 there is no *lis* between the parties and further, owing to the long lapse of time and the rules being amended in the year 2008 we find that at this stage, the demand for the period prior to 2008 cannot be raised by the respondents at this point of time.

It is also submitted that subsequent to the amendment made in the year 2008 these appellants have been paying the requisite taxes.

Needless to observe that this order is made only in respect of these two appellants.

The appeals stand disposed of.

Pending application(s), if any, shall also stand disposed of.

.,J
[B.V. NAGARATHNA]

.,J
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI,
JULY 24, 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5718-5719 OF 2014

SHEELA CHRISTIAN CHARITABLE TRUST

Appellant(s)

VERSUS

THE PRESIDENT, K. VELLAKULAM PANCHAYAT AND ANR.

Respondent(s)

WITH

CIVIL APPEAL NOS.5732-5738 OF 2014,

CIVIL APPEAL NOS.5739-5750 OF 2014,

CIVIL APPEAL NOS.5715-5717 OF 2014

AND

CIVIL APPEAL NOS.5726-5729 OF 2014

O R D E R

We have heard learned counsel Shri B Ragunath and learned senior counsel Shri V Krishnamurthy for the respective parties.

During the course of submissions it was brought to our notice that these appellants were not parties in the Opinion which was rendered by the Full Bench of Madras High Court and that they have challenged the said judgment by way of abundant caution. It is also the case of the appellants that in fact there was no demand as such made against them for the period 1999-2008 and for the period 2008 onwards, that is, subsequent to the amendment made in the year 2008, they have been paying the taxes regularly.

Learned counsel for the appellants therefore submitted that appropriate orders may be made insofar as their challenge to the Full Bench opinion is concerned by following the orders made by this Court in C.A. No.5751/2014 and C.A. No.5703/2014.

Learned counsel Shri B Ragunath also submitted that these appellants were also writ petitioners whose petitions were pending before the Division Bench of the High Court and since in the connected cases this Court has set aside the order passed by the Division Bench dated 17.06.2011 and has restored the writ appeals and the writ petitions before the Division Bench, a similar order may be made and the writ petitions may be restored on the file before the Division Bench of the Madras High Court.

Learned senior counsel Mr. V Krishnamurthy for the respondents very fairly submitted that if really there is no demand made for the period between 1999 and 2008, there is no *lis* between the parties with regard to the said period as such. He also submitted that having regard to the restoration of the writ appeals and writ petitions before the Division bench of the Madras High Court in the connected matters, appropriate orders may be made in these appeal also.

Taking note of the aforesaid submission, we record that for the period 1999-2008, as there was no demand made on these appellants, there is no *lis* existing between the parties for the said period. Insofar as the amendment made to the rule in the year 2008 is concerned which was challenged by the appellants and whose writ appeals and writ petitions were dismissed for non-prosecution by order dated 17.06.2011, by following the orders passed in the

connected matters. We set aside the orders insofar as these appellants are concerned and restore their writ petitions before the Division Bench of the High Court.

It is needless to observe that these writ petitions shall be heard in accordance with law along with the connected writ appeals and writ petitions if the Division Bench of the High Court thinks fit to hear along with the other similar cases pending before it.

The appeals are disposed of in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

.,J
[B.V. NAGARATHNA]

.,J
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI,
JULY 24, 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5730-5731 of 2014

CHRISTIAN EDUCATIONAL DEVELOPMENT TRUST

Appellant(s)

VERSUS

PRESIDENT, K.VELLAKULAM PANCHAYAT AND ORS. ETC

Respondent(s)

WITH

CIVIL APPEAL NOS.5723-5725 OF 2014

O R D E R

Learned counsel Shri B Ragunath submitted that he has instructions to withdraw C.A. Nos.5730-5731/2014 and C. A. Nos.5723-5725/2014.

His submission is placed on record.

The aforesaid appeals are dismissed as withdrawn.

., J
[B.V. NAGARATHNA]

., J
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI,
JULY 24, 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5722 OF 2014

J.J. COLLEGE OF ARTS AND SCIENCE

Appellant(s)

VERSUS

THE STATE OF TAMIL NADU AND ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.5720 OF 2014

CIVIL APPEAL NO.5721 OF 2014

AND

CIVIL APPEAL NO.5714 OF 2014

O R D E R

These civil appeals assail the order dated 17.06.2011 passed by the Division Bench of the Madras High Court.

By the said order, the Division Bench dismissed the writ appeals as well as the writ petitions pending adjudication for non-prosecution. For the sake of immediate reference, the impugned order is extracted as under:

“Reference may be made to the order dated 17.03.2011, which reads as under:-

‘We have heard Mr. A.K. Ganguly, learned senior counsel, Mr. P.S. Raman, learned Advocate General and Mr. N.R. Chandran, learned Senior Counsel at length.

2. Mr. N.R. Chandran, learned Senior Counsel needs further hearing in all the matters. As jointly agreed, put all all these cases on 13th June 2011.

3. In the meantime, the appellants as also the writ

petitioners shall pay the property tax with effect from 05th March 2008, the date when the amended Rule came into force. Consequently, the interim order passed in the writ petitions stands modified. Needless to say that in the event the appellants or the writ petitioners succeed, the amount that may be deposited shall be adjusted.'

2. Before 17.3.2011, this batch of cases was listed on several dates. But the appellants and the writ petitioners took adjournment on one pretext or the other. On being questioned, the learned counsel appearing for the appellants and the writ petitioners submitted that the aforesaid order has not been complied with inasmuch as the property tax, as directed by this court, has not been deposited.

3. Today, the learned counsel for the appellants prays for adjournment of the case on the ground of absence of the Senior Counsel.

4. Taking into consideration the aforesaid facts, all these writ appeals and the writ petitions stand dismissed. Consequently, the connected miscellaneous petitions are also dismissed. However, there will be no order as to costs."

On a reading of the aforesaid order, it is apparent that the writ appeals and writ petitions were dismissed without adjudication on merits. Consequently, the appellants have not been heard on merits. In the circumstances, these appeals have been filed.

Learned senior counsel appearing for the appellants further submitted at the bar that there are certain other appeals pending before the Division bench which are on the very same issues which were raised in the writ appeals. They, therefore, submitted that the impugned order may be set-aside and an opportunity may be given to the appellants herein to prosecute their writ appeals on merits.

In the above circumstances, we find that the principles of natural justice would be sub-served if the impugned orders concerning these appeals and writ petitions are set-aside and an opportunity is given to the appellants herein to prosecute their appeals and writ petitions before the Division bench of the High

Court.

In the circumstances, the impugned orders are set-aside and the matters in question are remanded to the Madras High Court for the aforesaid purpose to be clubbed with the pending appeals if the Division Bench thinks fit to do so.

The appeals are disposed of in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

**., J
[B.V. NAGARATHNA]**

**., J
[NONGMEIKAPAM KOTISWAR SINGH]**

**NEW DELHI,
JULY 24, 2024**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.5702/2014

ASSOCIATION OF MANAGEMENT OF COIMBATORE

Appellant(s)

VERSUS

THE PRESIDENT, K.VELLAKULAM PANCHAYAT & ANR.

Respondent(s)

WITH

C.A. No. 5704-5713/2014 (XII)

C.A. No. 1398/2024 (XII)

(IA FOR CONDONATION OF DELAY IN FILING ON IA 168171/2021
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
168172/2021

IA No. 168172/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 1397/2024 (XII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
123825/2021

FOR CONDONATION OF DELAY IN FILING ON IA 123827/2021

IA No. 123825/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 1395/2024 (XII)

(FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 9775/2022
FOR CONDONATION OF DELAY IN FILING ON IA 9776/2022

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
9777/2022

IA No. 9777/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 6546/2024 (XII)

(FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 8651/2022
FOR CONDONATION OF DELAY IN FILING ON IA 8654/2022

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
8656/2022

IA No. 8656/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 6547/2024 (XII)

(FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 31094/2022
FOR CONDONATION OF DELAY IN FILING ON IA 31095/2022

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
31096/2022

IA No. 31096/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT)

C.A. No. 5751/2014 (XII)

C.A. No. 5703/2014 (XII)
(FOR ON IA 42443/2012)

C.A. No. 5718-5719/2014 (XII)

C.A. No. 5730-5731/2014 (XII)

C.A. No. 5732-5738/2014 (XII)

C.A. No. 5739-5750/2014 (XII)

C.A. No. 5715-5717/2014 (XII)

C.A. No. 5722/2014 (XII)

C.A. No. 5720/2014 (XII)

C.A. No. 5721/2014 (XII)

C.A. No. 5714/2014 (XII)

C.A. No. 5726-5729/2014 (XII)

C.A. No. 5723-5725/2014 (XII)

Date : 24-07-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. Parijat Kishore, AOR
Mr. Beno Bencigar, Adv.

Mr. S. Nandakumar, Sr. Adv.
Ms. Deepika Nandakumar, Adv.
Mr. Divesh Gautam, Adv.
Mr. V. N. Raghupathy, AOR

Mr. Mukesh Kumar Singh, Adv.
Mr. Purushottam Sharma Tripathi, AOR
Ms. Vani Vyas, Adv.
Mr. Prakhar Singh, Adv.

Mr. B Rangunath, Adv.
Mrs. Nc Kavitha, Adv.
Mr. Vijay Kumar, AOR

Mr. S. Muthu Krishnan, Adv.
Ms. K. Vaijyanthi, Adv.
Ms. Namrata Biyawat, Adv.
Ms. Smita Amratlal Vora, AOR
Mr. K.g. Kannan, Adv.
Mr. Monish K., Adv.

Mr. T. Meikandan, Adv.
Mr. M. A. Chinnasamy, AOR
Mrs. C Rubavathi, Adv.
Mr. C Raghavendren, Adv.
Mr. Ch. Leela Sarveswar, Adv.
Mr. M. Vishnu Venkatesh,, Adv.
Mr. Saurabh Gupta, Adv.
Mr. Devansh Tyagi, Adv.

Mr. V. Ramasubramanian, AOR

Mr. G. Umapathy, Sr. Adv.
Mr. T. Harish Kumar, AOR
Mr. Navneet Dugar, Adv.
Mr. Suven, Adv.
Mr. Subham Kothari, Adv.
Mr. Bharathi Subramaniyan, Adv.

Mr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. C. Adhikesavan, Adv.
Mr. P. V. Harikrishnan, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, AOR

Mr. D. Kumanan, AOR
Mr. Sheikh F. Kalia, Adv.
Mrs. Deepa. S, Adv.
Ms. Bano Deswal, Adv.

Mr. V Krishnamurthy AAG, Sr. Adv.
Ms. G. Indira, AOR
Mr. Gandeepan, Adv.
Mr. P Gandepan, Adv.
Ms. Larika Khandalwal, Adv.
Mr. Larika Khandalwal, Adv.
Mr. Ashwini Kumar, Adv.
Ms. D Poornima, Adv.

Mr. Sabarish Subramanian, AOR

Mr. G.sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. C.Adhikesavan, Adv.

Mr. P.V. Harikrishnan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

C.A.Nos.5704-5713/2014, C.A.Nos.6547/2024, C.A.No.5751/2014,
C.A.5703/2014, C.A.No.5718-5719/2014, C.A.No.5732-5738/2014, C.A.
Nos.5739-5750/2014, C.A.Nos.5715-5717/2014, C.A.Nos.5726-5729/2014,
C.A.No.5722/2014, C.A.No.5720/2014, C.A.No.5721/2014 and C.A.
No.5714/2014

The civil appeals are disposed of in terms of the signed orders.

Pending application(s), if any, shall also stand disposed of.

C.A. No.5702/2014, C.A. Nos.5730-5731/2014 and C.A. Nos.5723-
5725/2014

The civil appeals are dismissed as withdrawn in terms of the signed order.

C.A. NO.1398/2024, C.A. NO.1397/2024, C.A. NO.1395/2024 and C.A.
NO.6546/2024

List the matters on 31.07.2024 so as to enable the learned counsel for the respective parties to file compilation.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(Six signed orders are placed on file)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)