

In the High Court of Judicature at Madras

Dated: 02.09.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Civil Revision Petition NPD Nos. 472 of 2007, 711 of 2006, 466 of 2007, 2112, 2130, 2131, 2168, 2195, 2196, 2213, 2221, 2312, 2308, 2294 and 2295 of 2001 and 848 of 2006

C.R.P. NPD No.472 of 2007:-

1. E.M. Salaiah (deceased)
2. S. Avvamma
3. S. Junas
4. Birthouse
5. Jarina
6. Ajira
7. Najmunnisa
8. Ahmed Basheer

.. Petitioners

.. Petitioners 2 to 8 impleaded as legal heirs of deceased petitioner vide order dated 02.09.2015 in M.P.Nos.1 to 3/2014 in C.R.P.NPD. No. 472/2007.

vs.

1. Secretary to Government
Municipal Administration & Water
Supply (M-A-I Department)
Chennai 600 009.

2. Commissioner
Udagamandalam Municipality
Ooty.

.. Respondents

PRAYER: Civil Revision Petition filed under Section 217 of the Tamil Nadu

District Municipalities Act read with Section 115 of the Civil Procedure Code, to set aside the order dated 21.09.2006 in G.O.(D) No.383, Municipal Administration and Water Supply (MA-1) Department, passed by the first respondent.

For Petitioners in CRP 472/2007,
711/2006 & 466/2007) : Mr. R. Subramanian

For Petitioners in CRP 2112,
2130, 2131, 2168, 2195, 2196,
2221, 2312, 2308, 2294 and
2295 of 2001. : Mr. S. Parthasarathy
: Senior Counsel
: for
: Mr. N. Damodaran

For Petitioner in CRP 2213/2001
& 848/2006 : Mr. T.R. Rajaraman

For Respondents : Mr. M. Venugopal
Spl. Govt. Pleader for R1
in all petitions.
Mrs.V.Bhavani Subbarayan
for R2 in CRP. Nos.472
& 466 of 2007
Mr. V. Radhakrishnan
Sr. Counsel
for Mr.A.V.Rakesh for R2
in all other petitions.

COMMON ORDER

(Made by The Hon'ble The Chief Justice)

Learned counsels for the petitioners jointly submit before us that inter alia one of the issues, which is common to all is that the Officer

concerned who heard the parties is different from the one who has passed the impugned orders. The legal position on this aspect was quite well settled, if one may say so, even earlier, but now further elucidated with the judgment of the Honourable Supreme Court in **Union of India and Others vs. Shiv Raj and Others [(2014) 6 MLJ 500]**. Thus, these revision petitions must succeed on that ground alone.

2. It is tragic that even after a period of life sentence of 14 years, these matters have been pending only on this short issue - naturally the petitioners have enjoyed the benefit of interim orders on account of this objection. We are faced with the huge problem of unauthorised construction, especially in the hill areas.

3. We, thus, set aside the impugned orders passed in all these petitions and remit the matter back to the competent authority.

4. We are conscious of the work load of the authority concerned in different proceedings, while examining the aspect of establishing more forums for deciding the grievances. We would expect the competent

authority concerned to endeavour to decide these petitions within a maximum period of three months from today, after giving an opportunity of hearing. We make it clear that in view of the prolonged delay, the petitioners will not be entitled to any adjournments and must appear on the date fixed.

5. The revision petitions accordingly stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : yes/no

[S.K.K., CJ] [T.S.S., J.]
2nd September, 2015.

ATR

Copies to;

1. The Secretary to Government
Municipal Administration & Water
Supply (M-A-I Department)
Chennai 600 009.
2. The Commissioner
Udagamandalam Municipality
Ooty.

THE HON'BLE THE CHIEF JUSTICE
and
T.S.SIVAGNANAM,J.

ATR

C.R.P. (NPD) Nos. 472 of 2007 & etc. batch

02.09.2015