

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND  
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.9635 and 13656 of 1999 and 1756 of 2001

W.P.No.9635 of 1999

Kodaikanal Anandagiri 12<sup>th</sup> Ward  
Residents Welfare Association, rep. by  
its Secretary, S.Mani. .. Petitioner

-vs-

1.The Commissioner,  
Kodaikanal Municipality,  
Kodaikanal, Dindigul District.

2.The Local Planning Authority,  
Kodaikanal, Dindigul District.

3.The Deputy Superintendent of Police,  
Kodaikanal, Dindigul District.

4.T.P.Ravindran.

5.Asha Ravindran

6.The Deputy Director,  
Town & Country Planning, Madurai.  
(Impleaded as per order of Court  
dt.23.04.2010 in W.P.No.2867/98, etc.)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent nos.1 to 3 to remove the encroachments committed by the respondent nos.4 and 5 in the Town Survey No.116, 117 and 119 of Kodaikanal Town and to bring down the illegal structure constructed by respondent nos.4 and 5 in Survey Nos.118 of Kodaikanal Town.

W.P.No.13656 of 1999

J.S.Anthony Remi

.. Petitioner

-vs-

- 1.The Commissioner  
Kodaikanal Municipality,  
Dindigul District.
- 2.The District Collector,  
Dindigul District.
- 3.Asha Ravindran
- 4.Sam Babu
- 5.The Deputy Director  
Town & Country Planning, Madurai.  
(R-5 impleaded as per order of Court  
dt.23.04.2010 in WP.2867/1998, etc.) .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first and second respondents to demolish the illegal construction put up by the third and fourth respondents in Re-survey No.394, Anandagiri VI Street and Resurvey No.160/part, Fairy Falls Road, Kodaikanal respectively.

W.P.No.1756 of 2001

J.Ugin .. Petitioner

-vs-

- 1.The Commissioner,  
Municipal Administration,  
Ezhilagam, Annexe Building,  
6<sup>th</sup> Floor, Chepauk, Chennai.
- 2.Regional Director,  
Municipal Administration,  
Thallakulam, Madurai.
- 3.The District Collector,  
Dindigul.
- 4.The Revenue Divisional Officer,  
Kodaikanal.
- 5.The Commissioner,  
Kodaikanal Municipality,  
Kodaikanal.
- 6.The Town Planning Officer,  
Kodaikanal Municipality,  
Kodaikanal.

7.The Building Inspector,  
Kodaikanal Municipality,  
Kodaikanal.

8.Ravindran

9.Asha Ravindran

10.The Chairman

Tamil Nadu Pollution Control Board,  
100, Anna Salai, Guindy, Chennai-32

.. Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 7 to demolish the illegal superstructure constructed by respondents 8 and 9, owners of the premises situated at Ward-D, Block-15, Town Survey No.118, 6<sup>th</sup> Street, Anandagiri, Kodaikanal.

For Petitioner

in WP.9635/1999 : Mr.P.K.Rajagopal

in WP.13656/1999 : Mr.T.Mohan

in WP.1756/2001 : No appearance

For Respondents

in WP.9635/1999 : Mr.P.Srinivas for R-1

: Mr.S.T.S.Moorthy

Govt. Pleader for RR2,3 & 6

: Mr.K.Srinivasan, S.C.,

J.Anthony Jesus for R4&R5

in WP.13656/1999 : Mr.P.Srinivas for R-1

: Mr.S.T.S.Moorthy

Govt. Pleader for RR 2 and 5

: Mr.K.Srinivasan, SC

for J.Anthony Jesus for R-4

in WP.1756/2001 : Mr.S.T.S.Moorthy

Govt. Pleader for RR 1 to 4,6&7

: Mr.P.Srinivas for R-5

: M/s.Rita Chandrasekaran

for R-10

R8,R9 : No Appearance

\* \* \* \* \*

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

None appeared for the petitioner in W.P.No.1756 of 2001. Heard the learned counsel for the parties.

2.The allegation in these Public Interest Litigations is qua unauthorised construction by private respondents - some of them even extending onto the roads. The Commissioner / Collector issued notices finding infirmities in the construction. Those notices must have culminated in some orders by now. There is also a possibility of there being other proceedings initiated by the allegedly offending parties. There has been quite a time lag between the filing of the petitions and now, of almost 15 years.

3.We, thus, issue the following directions:

- 1) The Commissioner / Collector to verify the current position and take action in accordance with law against the construction found to be unauthorised, within a maximum period of one month of receipt of the order;
- 2) If there are any interdicts from any Court proceedings, the private respondents should bring the same to the notice of the Municipality, so that appropriate steps can be taken;
- 3) The Municipality will also, in turn, inform the petitioners if there are any such proceedings pending to enable them to take necessary steps.

4.If there are any proceedings pending before this Court where interdicts are there, the learned counsel for the Municipality to bring it to the notice of the Registry, which will place those matters before this Bench.

5.All the petitions, accordingly, stand disposed of. No costs.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Commissioner,  
Kodaikanal Municipality,  
Kodaikanal, Dindigul District.
- 2.The Local Planning Authority,  
Kodaikanal, Dindigul District.
- 3.The Deputy Superintendent of Police,  
Kodaikanal, Dindigul District.
- 4.The Deputy Director,  
Town & Country Planning, Madurai.

5.The District Collector,  
Dindigul District.

6.The Commissioner,  
Municipal Administration,  
Ezhilagam, Annexe Building,  
6<sup>th</sup> Floor, Chepauk, Chennai.

7.The Regional Director,  
Municipal Administration,  
Thallakulam, Madurai.

8.The Revenue Divisional Officer,  
Kodaikanal.

9.The Town Planning Officer,  
Kodaikanal Municipality,  
Kodaikanal.

10.The Building Inspector,  
Kodaikanal Municipality,  
Kodaikanal.

11.The Chairman  
Tamil Nadu Pollution Control Board,  
100, Anna Salai, Guindy, Chennai.

12.The Section Officer,Writ Section, High Court,Madras.

+1 cc to Government Pleader,SR.32647

+1 cc to Mr.J.Antony Jesus, Advocate,Sr.33166

+1 cc to Mr.M.Gnanasekar, Advocate,sR.32898

+3 cc's to Mr.P.Srinivas Advocate,Sr.32490, 482, 484.

msm(co)  
krd 10/7

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