

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

C.R.P. No.2113 of 2015 and
M.P.Nos.1 and 2 of 2015

A.S.Zakkariah

... Petitioner

Vs.

1. The Secretary to Government,
State of Tamilnadu,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam.

....Respondents

Civil Revision Petition is filed against the Government Letter (Pa) No.537/Na.Nee.1/2014, dt. 26.12.2014 confirming the order of the 2nd respondent in UAC No.19/1997/S dated 16.07.2009 signed on 07.1.2015 and served on 19.2.2015 through the 2nd respondent.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by

Mr.V.R.Kamalanathan, Addl. G.P.
Mr.V.Shanmugasundaram
Government Advocate for R1
Mr.V.Radhakrishnan
Senior Counsel
for
Mr.S.Kadarkarai for R2

ORDER

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

Learned counsel for the petitioner as prayed for is granted three months' time to remedy the position by removing the floors above the first floor and put up slope roof over the first floor.

2. As far as the setback issue is concerned, the learned counsel for the petitioner states that there are cases where relaxation of setback has been granted and he will plead for the same on parity by making necessary application to the Government after rectifying the position qua the building. In case of failure of the petitioner to do the needful within the time stipulated, the second respondent-Municipality will be free to proceed on its own.

3. The Civil Revision Petition, thus, stands disposed of in terms aforesaid. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Municipal Administration and Water
Supply (MA1) Department,
Secretariat, Chennai-600 009.

2. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam.

+1 cc to Mr.M.Muthappan, Advocate (sr.53292)
+1 cc to S.Kadarkarai, Advocate (sr.53461)
+1 cc to Government Pleader (sr.53226)

C.R.P.No.2113 of 2015

GGK(co)
cp 19/10/2015