

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.No.420 of 2004

R.Selvaraj .. Petitioner

-vs-

1.The District Collector,
Dindigul, Dindigul District.

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

3.Krishnan

4.SA.Mahendran
(R-4 impleaded as per Order of Court
dt.19.01.2006, made in WMP.42056/2005)

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. batch)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to take action under Sec.216, 217-J of the Tamil Nadu District Municipalities Act, 1920, for the demolition of the unauthorised construction put up by the 3rd respondent at Block No.15, Ananthagiri 2nd Street, Kodaikanal by considering the representation dated 28.12.2003 preferred by the petitioner.

For Petitioner : Mr.N.L.Raja
for M/s.Raja Venkatesan Associates

For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader for RR-1 and 5
: Mr.V.Radhakrishnan, S.C.
For Mr.V.Rajeshbabu for R-2
: M/s.P.T.Asha
for M/s.Sarvabhauman Associates/R-3
: Mr.T.Mohan for R-4

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O R D E R

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

Learned counsel for the third respondent, whose construction is alleged to be unauthorised, states that they will move the Commissioner of the Municipality / Second respondent, seeking a completion certificate in accordance with the plan sanctioned or whatever in addition is permissible and shall remove any construction which is not in conformity with the same, notwithstanding any other proceedings. The exercise will be carried out by the Municipality pointing out to the third respondent as to what portion of the construction has to be removed by carrying out a physical inspection. This exercise be undertaken within a maximum period of two (2) months from today. The portion which is unauthorised shall be removed by the third respondent within a period of three months of such intimation being given to them, whereafter the completion certificate will be issued by the Municipality.

2. Needless to say, the interim order against further construction would continue to operate during this period of time.

3. Writ Petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Dindigul, Dindigul District.

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

3. The Deputy Director,
Town & Country Planning, Madurai.

+1 cc to Mr.V.Rajesh Babu, Advocate, SR.32701

+1 cc to M/s.Sarvabhauman Associates, SR.33297.

Msm(co)
krd 10/7

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