

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 No. 1635 of 2004
and CMP. No. 12891 of 2004

M.A. Liakath Ali

.. Petitioner

vs.

1. Government of Tamil Nadu
rep. by its Secretary
Municipal Administration & Water
Supply Department
Fort St. George, Chennai 600 009.

2. The District Collector
Nilgris District at Udhagamandalam.

3. The Commissioner
Udagamandalam Municipality
at Udhagamandalam
The Nilgris District.

.. Respondents

PRAYER: Civil Revision Petition filed under Section 217-L of the Tamil Nadu District Municipalities Act read with Section 115 of the Civil Procedure Code, to set aside the order dated 14.06.2004 in G.O.(D) No.302, Municipal Administration and Water Supply (MA-1) Department, passed by the first respondent.

For Petitioner

: Mr. S. Parthasarathy, Sr. Counsel
for Mr. N. Damodaran

For Respondents

: Mr. M. Venugopal
Spl. Govt. Pleader for R1 & R2
Mr. V. Radhakrishnan, Sr. Counsel
for Mr. A.V. Rakesh for R3

O R D E R

(Made by The Hon'ble The Chief Justice)

In this civil revision petition, the petitioner has challenged the impugned order passed by the first respondent on the ground that though the first respondent called for explanation, no personal hearing was conducted and the impugned order is in violation of the principles of natural justice. The contention raised by the petitioner has not been controverted by the respondents and thus, we are inclined to accept the submission that the impugned order was passed without affording an opportunity of personal hearing to the petitioner. Therefore, on that ground the impugned order is liable to be set aside.

2. It is tragic that even after a period of 11 years, this matter is pending only on this short issue - naturally the petitioner has 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 order 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 this petition 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 petitioner will not be entitled to any adjournments and must appear on the date fixed.

5. The revision petition accordingly stands disposed of. No costs. Consequently, CMP. No.12891 of 2004 is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ATR

To;

1. The Secretary
Government of Tamil Nadu
Municipal Administration & Water
Supply Department
Fort St. George, Chennai 600 009.
2. The District Collector
Nilgris District at Udhagamandalam.
3. The Commissioner
Udagamandalam Municipality
at Udhagamandalam
The Nilgris District.

1 cc to Special Government Pleader (CS) SR. 47571

C.R.P. NPD No. 1635 of 2004

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