

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.12.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE DR.JUSTICE P.DEVADASS

W.P. No.38289 of 2015
and
M.P. No.1 of 2015

Pankaj Govindlal Dani ...Petitioner

Vs.

1.The Commissioner,
Coonoor Municipality,
Coonoor.

2.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat,
Chennai-600 009

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to grant 12 weeks time to demolish the unauthorized construction in the petitioner's building bearing town Survey No.Ward 'C', Block-16, T.S.No.96, 97, 98, situated at Mettupalayam to Coonoor road by considering the petitioner's representation dated 01.09.2015.

For petitioner : Mr.N.Vignesh

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.P.P.for R1
Mr.P.G.Sivashanmugha Sundaram,
Spl.G.P.for R2
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ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. V.Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the first respondent. Mr.P.G.Sivashanmugha Sundaram, learned Special Government Pleader, accepts notice for the second respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondents to consider the petitioner's representation dated 01 September 2015 and grant 12 weeks' time to demolish the unauthorised construction in the petitioner's building bearing Town Survey Nos.96, 97 and 98, Ward C, Block-16, situated at Metturpalayam to Coonoor Road.

3. Indisputably, as pleaded by the learned counsel for the petitioner, the basement floor (part), ground floor (part), first floor and roof of top floor have been constructed unauthorisedly in the premises in question, without approval. Accordingly, the premises in question has been put under lock and seal by the second respondent. As against the said lock and seal and demolition notice, the petitioner has filed a review petition before the second respondent, which was dismissed, vide Government Letter (pa) No.536/Na.Ni.1/2015. Hence, the petitioner has made a representation, dated 01 September 2015, to the first respondent, seeking three months' time for demolition of unauthorized construction. Since no action has been taken till date, pursuant to the said representation, the petitioner has filed the instant writ petition, seeking a limited relief of a direction to the respondents for grant of some more time to demolish the unauthorised construction in the building in question.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing for the first respondent submits that the petitioner was earlier granted time, but till date he has not removed the unauthorised construction.

5. Considering the submissions advanced by the learned counsel for the parties, we leave it open to the first respondent to consider the petitioner's representation and grant some more time so as to enable the petitioner to remove the unauthorised construction. However, we make it clear that the time granted should not be unreasonable. The said exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above observation. No costs. Connected miscellaneous petition is closed.

msk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner,
Coonoor Municipality,
Coonoor.
- 2.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-600 009.

KGK/CO
KR/17/12

W.P. No.38289 of 2015

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