

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..09..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. Nos.25728 of 2008

H.Musthafa

.. Petitioner

Versus

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2.The Commissioner
Udhagamandalam Municipality
Municipality Office
Udhagamandalam Post
The Nilgiris.

..Respondents

Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 29.09.2008 under proceedings in U.AC.No.23/2007 passed by the second respondent and quash the same and consequently forbear the second respondent from initiating any action of demolition over the superstructure constructed in R.S.No.2731 of Ootacamund Town, North Lake Road.

For Petitioner :: Mr.K.V.Babu

For Respondent :: Mr.V.Radhakrishnan
Senior Counsel
for Mr.K.Sasindran for R.2

Mr.STS.Murty
Government Pleader
assisted by
Mr.V.Shanmugasundaram for R.1

O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

The petitioner's case is that the show cause notice has been served on him and he is facing even criminal proceedings, though the

property is not owned by him where unauthorised construction is stated to have been made. The property is owned by his wife and six others.

2. In view of the aforesaid - the petitioner not claiming right, title or interest over the property, there is no need for the petitioner to be aggrieved as none of the affected parties are before the Court. The respondents/authorities will naturally take note of the aforesaid aspect to proceed against the owners in accordance with law.

3. The writ petition accordingly stands disposed of. No costs. Consequently, order of interim stay stands vacated and M.P.No.1 of 2008 is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ksr

To

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2. The Commissioner
Udhagamandalam Municipality
Municipality Office, Udhagamandalam Post
The Nilgiris.

1 cc to Mr. K.V.Babu, Advocate Sr.No.48249

1 cc to Mr.K.Sasindran , Advocate Sr.No.48248

W.P. No.25728 of 2008

kv(co)

pmk.23.9.2015

सत्यमेव जयते

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