



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.21675 of 2015

and

M.P(MD)No.1 of 2015

L.Saliha Begam

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of Municipal Administration and
Water Supply, Chennai 09.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records from the 1st respondent in his proceedings in Arasu Lr (Pa) No. 583/NaNi.1/2015 dated 21.09.2015 and quash the same.

For Petitioner : Mr.N.Sathish Babu

For 1st Respondent : Mr.C.Selvaraj,
Special Government Pleader.

For 2nd Respondent : Mr.Dinesh Babu

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner has come up with the above writ petition challenging the dismissal of her application for a review of the order of demolition.

2.Heard Mr.N.Sathish Babu, learned counsel for the petitioner. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the first respondent and Mr.Dinesh Babu, learned counsel takes notice for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner purchased an existing building in Kodaikanal under a registered sale deed dated 04.02.2010. Under the guise of renovating the house, the petitioner appears to have put up a new



construction, without obtaining proper approval. Therefore, the second respondent issued a notice dated 23.06.2015 for demolition.

4.The petitioner filed a review before the first respondent Government. An enquiry was conducted in which the petitioner participated and submitted records.

5.The first respondent considered the objections went through the records and rejected the review petition and confirmed the order of demolition. Three reasons are stated in the impugned order. They are (i) though the construction of the building was in a prohibited zone, the petitioner did not obtain permission from the competent authority, (ii) the existing building was of a measurement of 500 square feet in the ground floor and 500 square feet in the first floor. It was built in 1934. But the petitioner bought it in 2010 and demolished the same and constructed a ground floor of an extent of about 1200 square feet and a first floor of an extent of 1200 square feet. In other words, the construction was two times more than the existing one and (iii) the existing rules permit only renovation of the existing buildings and not the construction or demolition and construction of new buildings. This is why the petitioner showed it to be a case of renovation.

6.All the three reasons stated in the impugned order are perfectly valid. As a matter of fact, in a public interest litigation, the First Bench of this Court has taken note of unauthorised constructions of huge numbers in the hill station of Kodaikanal which had spoiled the ecology of the region. A Committee has been constituted by the First Bench to take a list of all unauthorised constructions. Therefore, when one Bench of this Court has issued directions for taking the list of unauthorised constructions for the purpose of removing them, it is not fair on the part of the another Bench to put spokes by granting stay of such demolition notice. Therefore, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

- To
1. The Principal Secretary to Government,
Department of Municipal Administration and Water Supply, Chennai 09.
 - 2 The Commissioner, Kodaikanal Municipality,
Kodaikanal, Dindigul District.

+1cc to M/S.Dinesh Babu, Advocate in SR.No. 69553

+1cc to Special Government Pleader in SR.No. 69674.