

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(NPD).Nos.3782 and 3783 of 2016
and C.M.P.Nos.19283 and 19284 of 2016

V.Dakshinamurthy

.. Petitioner in
CRP.No.3782 of 2016

1.V.Nirmala

2.V.Janakiraman

3.D.Girija Bai

.. Petitioners in
CRP.No.3783 of 2016

Vs.

1.The Government of Tamil Nadu
Rep. by the Principal Secretary to Government
Municipal Administration and
Water Supply Department (MAWS)
Secretariat, Fort St.George
Chennai-600 009.

2.Udhagamandalam Municipality
Rep. by its Commissioner
Udhagamandalam
The Nilgiris District.

.. Respondents in
both CRPs.

Prayer in CRP.No.3782 of 2016:- Civil Revision Petition is filed
under Section 217 of District Municipalities Act, against the order
dated 28.11.2014 in Government Letter (Pa) No.462/Na.Ni.1/2014 on

the file of the 1st respondent, on the file of the Principal Secretary to Government, Municipal Administration and Water Supply Department (MAWS), Government of Tamil Nadu.

Prayer in CRP.No.3783 of 2016:- Civil Revision Petition is filed under Section 217 of District Municipalities Act, against the order dated 08.01.2015 in Government Letter (Pa) No.9/Na.Ni.1/2015 on the file of the Principal Secretary to Government Municipal Administration and Water Supply Department (MAWS), Government of Tamil Nadu.

For Petitioners : Mr.Sathyamurthy
For R2 : Mr.S.Kadarkarai

COMMON ORDER

Civil Revision Petitions are filed against the order dated 28.11.2014 in Government Letter (Pa) No.462/Na.Ni.1/2014 and order dated 08.01.2015 in Government Letter (Pa) No.9/Na.Ni.1/2015 on the file of the Principal Secretary to Government, Municipal Administration and Water Supply Department (MAWS), Government of Tamil Nadu.

2.Learned counsel for the petitioners would submit that they have made a residential building, which is not consonance with the approved plan. Hence, enquiry notice dated 23.10.2014 and 28.11.2014 were issued and the petitioners were directed to appear before the first respondent for personal hearing on 09.12.2014 at 4.00 p.m. and that the impugned orders were passed on 28.11.2014 and 08.01.2015. He would further submit that the petitioners have come forward with these revisions challenging the impugned orders passed on 28.11.2014 and 08.01.2015. Further, he has relied upon the decision of the Division Bench of this Court in CRP No.3546 of 2015, dated 05.11.2015, wherein an identical issue was taken for consideration and that the request of the petitioner therein was accepted and time has been granted to submit a revised plan. Thus, he prays for the order.

3.Mr.S.Kadarkarai, learned counsel appearing for the second respondent, would submit that he has no objection for granting time to submit the revised plan.

4.Heard both sides and perused the typed set of papers.

5.Considering the rival submissions made on both sides and also considering the covered judgment made by the Division Bench of this Court in CRP.No.3546 of 2015, dated 05.11.2015 and no objection

given by the second respondent for granting time to submit the revised plan, I am inclined to grant one month time to the petitioners to submit the revised plan. Accordingly, the Civil Revision Petitions be disposed of in the following terms:

(i) The petitioners will give a revised plan within one month of the receipt of the order copy.

(ii) Whatever is found impermissible and accordingly marked by the Municipality, the same will be removed by the petitioner.

(iii) The petitioner undertakes to carry out necessary rectification within two months of the intimation by the concerned authorities.

(iv) Needless to say that if the petitioner fails to do so within the specified time, the Municipality may proceed on its own.

The Civil Revision Petitions, thus, stand disposed of in terms aforesaid. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.12.2016

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Index:Yes/No

To

The Rent Controller Appellate Authority
Sub-Court, Tambaram.

R.MALA,J.

Kj

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