

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 40774 of 2015

K. Ravichandran alias Ravishankar ...Petitioner

vs.

- 1 N.Loganathan
- 2 The Executive Officer &
President Nandhimangalam Village:
N.Loganathan, Pondavakkam Post,
Uthukottai Taluk Thiruvallur District.
- 3 The Assistant Director
(Panchayat) District Collector Office
Thiruvallur District.
- 4 The Block Development Officer
Poondi Panchayat Union, Poondi Post
Thiruvallur District.
- 5 The Union Engineer
Office of the Block Development Officer
Poondi Panchayat Union, Thiruvallur District.
- 6 The Collector
Thiruvallur District The Collectorate
Thiruvallur District. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the 2nd Respondent vide proceedings bearing Na.Ka.No. 4/2012-2013 dated 29/10/2015 seeking to demolish the house property of the Petitioner and thereon quash the same and consequently forbear the Respondents from any manner interfering with the peaceful possession of the house property of the Petitioner being Gramanatham house site comprised in Survey No.109/19 Old Survey No.69/3 of an extent of 109 square meters Nandhimangalam Village , Pondavakkam Post, Uthukottai Taluk, Thiruvallur District.

For petitioner : Mr. A. Palaniappan

For respondents : Mr.M.Dig Vijaya Pandian RR 2,4 & 5
Mr. N. Sakthivel
Govt. Advocate - R3 & R6

ORDER

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

With the consent of the learned counsel for the petitioner and the official respondents, the writ petition is taken up for final disposal.

2. Assailing the order dated 29 October, 2015 passed by the second respondent under the provisions of the Rule 34(iii) of the Tamil Nadu Panchayat Building Rules, 1997 (for short "the Rules") calling upon the petitioner to demolish the construction put up in S.No. 109/19 Old Survey No.69/3 of an extent of 109 square meters, Nandhimangalam village, Pondavakkam Post, Uthukottai Taluk, Thiruvallur District, without prior permission from the Panchayat on or before 19.11.2015, the petitioner has come up with the instant writ petition.

3. Learned counsel appearing for the second respondent submits that the impugned order is appealable under the provisions of Rule 29 (2) of the Tamil Nadu Panchayat Building Rules 1997, and as such, the writ petition is not maintainable without exhausting the remedy available under the provisions of law.

4. Learned counsel appearing for the petitioner, in riposte, seeks some time to prefer an appeal along with an application for interim relief.

5. In view of the above submission made by the learned counsel for the petitioner, we grant liberty to the petitioner to prefer an appeal, as aforesaid, under the provisions of Sub Rule 3 of Rule 29 of the Rules, if so advised. The Appellate authority is obliged to take a decision within a period of 30 days from the date of filing of the appeal. Accordingly, in the event of the petitioner filing an appeal within a period of one week, the Appellate Authority is directed to examine the same and take a decision in accordance with law and on its own merits. If an application for interim relief is made along with the memo of appeal, the same shall be considered within a period of two weeks from the date of filing of such application. Status quo, as obtained today in respect of the property in question, shall be maintained for a period of three weeks.

This writ petition is disposed of with the above observations. No costs. Connected miscellaneous petition is closed.

sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1 The Executive Officer & President Nandhimangalam Village: N.Loganathan, Pondavakkam Post, Uthukottai Taluk Thiruvallur District.
- 2 The Assistant Director (Panchayat) District Collector Office Thiruvallur District.
- 3 The Block Development Officer Poondi Panchayat Union, Poondi Post Thiruvallur District.
- 4 The Union Engineer Office of the Block Development Officer Poondi Panchayat Union, Thiruvallur District.
- 5 The Collector Thiruvallur District The Collectorate Thiruvallur District.

+1 CC to MR.A. Palaniappan Advocate. SR.NO.912

+1 CC to MR.M.Dig Vijaya Pandian Advocate. SR.NO. 929

+1 CC to Govt.Pleader. SR.NO.1228

W.P. No.40774 of 2015

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CO-RSK

JD 12/01/2016