

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.23826/2017 & WMP.Nos.25057 & 25058/2017

J.John Britto

... Petitioner

Versus

The Special Grade Executive Officer
Velankanni Town Panchayat,
Nagapattinam District.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records connected with the notice issued in Na.Ka.No.219/2016 dated 14.07.2017 passed by the respondent and quash the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the sole respondent.

2 The petitioner would state that the property in question along with the other properties were jointly allotted through a registered Partition Deed dated 30.06.1997 bearing Doc.No.843/1997 on the file of the jurisdictional Sub Registrar and according to him since the building is very old building, he started to repair the same and he has not put up any new or further construction. However, to his shock and surprise, he has been issued with the impugned notice dated 14.07.2017 by the respondent invoking sections 200, 210, 204 and 216[1] of the Tamil Nadu District Municipalities Act, 1920, for which, the petitioner has submitted his response in the form of representation dated 22.07.2017 and without considering

the same, further action is taken to demolish the alleged offending construction and hence, the petitioner came forward to file the present writ petition.

3 The Court heard the submission of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the sole respondent.

4 Section 216 speaks about the demolition or alteration of building work unlawfully commenced, carried on or completed and sub-section [3] says "if the owner fails to show cause to the satisfaction of the Executive Authority, the Executive Authority may confirm the order with any modification he may think fit to make, and such order shall, then, be binding on the owner."

5 The petitioner has submitted his response to the impugned notice personally and in the light of the facts and circumstances, this Court directs the petitioner to respond to the impugned notice in the form of written representation by Registered Post Acknowledgment Due to the respondent along with necessary and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, shall afford an opportunity of personal hearing to the petitioner and thereafter, consider and dispose of the said representation on merits and in accordance with law within a further period of four weeks thereafter and till such time, shall defer further decision, in terms of the impugned notice dated 14.07.2017.

10 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

AP

To
The Special Grade Executive Officer
Velankanni Town Panchayat,
Nagapattinam District.

WP.No.23826/2017

sj[co]
RD 26/10/2017