

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT. JUSTICE T. RAJANI

WRIT APPEAL No.887 OF 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P. No.18294 of 2017 dated 08.06.2017. While the Writ Petition was disposed of even without the appellant herein (4th respondent in the Writ Petition) being put on notice, the order of the Learned Single Judge only required the HMDA and the Nagar Panchayat to consider the 1st respondent-writ Petitioner's representation dated 10.05.2017, and to take appropriate action in accordance with law regarding the unauthorised construction allegedly made by respondents 4 and 5 in the Writ Petition. While we were initially inclined to set aside the order and restore the Writ Petition to file as the Writ Petition itself was disposed of without putting the appellant herein and the 5th respondent in the Writ Petition on notice, on a closer examination we are satisfied that no prejudice would be caused to the appellant by the order under appeal, as the Learned Single Judge has only directed respondents 2 and 3 to consider the petitioner's representation dated 10.05.2017, and take appropriate action in accordance with law. Suffice it to make it clear that any action which respondents 2 and 3 in the Writ Petition shall take on the representation, submitted by the respondent-writ petitioner, shall be strictly in accordance with law and after giving the appellant herein, and the 5th respondent in the Writ Petition, an opportunity of being heard.

Sri P. Venugopal, Learned Senior Counsel appearing on behalf of appellant, states that the appellant has already been put on notice by the HMDA, and that a reply thereto would be submitted within two weeks from today. In case such a reply to the show cause notice is submitted within the aforesaid period of two weeks, the respondents shall consider the same in accordance with law and pass orders thereupon uninfluenced by any observations made either in the order under appeal or in the order now passed by us. It is also made clear that, in case the appellant does not avail the opportunity of filing his objections within the aforesaid period of two weeks from today, it is open to respondents 2 and 3 to proceed and take action in accordance with law.

The Writ Appeal is disposed of. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

T. RAJANI, J

Date: 10.07.2017.

Note: Issue C.C. tomorrow.
B/o
MRKR