

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2018

Coram

THE HON'BLE MR.JUSTICE M.VENUGOPAL  
&  
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Review Application (Writ) No.64 of 2018

in

W.P.No.21639 of 2017

T.Kandhasamy ... Petitioner

Vs.

1.P.Selvarajan

2.The Commissioner of Municipal Administration  
Municipal Administration Department  
Ezhilagam Annex, 6<sup>th</sup> Floor, Chepauk  
Chennai - 600 005.

3.The Zonal Director  
Directorate of Town and Country Planning  
Salem Region  
5, Sannathi Street, Salem District.

4.The Commissioner  
Attur Municipality  
Municipality Office,  
Attur, Salem District.

... Respondents

**PRAYER:** Review Petition filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code praying to review the order dated 13.02.2018 in W.P.No.21639 of 2017.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel  
for M/s.A.L.Ganthimathi

For Respondents : Mr.K.Rajasekaran for R1  
Mr.E.Manoharan,  
Additional Govt. Pleader for R2 to R4

**ORDER**

(Order of the Court was made by S.VAIDYANATHAN, J.)

The petitioner has come forward with this petition to review the order dated 13.02.2018 passed in W.P.No.21639 of 2017.

2. Heard the learned Senior Counsel appearing for the petitioner, learned counsel for the first respondent and the learned Additional Government Pleader appearing for respondents 2 to 4.

3. Even though a typographical error is said to have been crept in paragraph 4 of the order dated 13.02.2018 passed in W.P.No.21639 of 2017, we make it clear that the Review Petitioner, who is the fourth Respondent in the Writ Petition, is the owner of the property in question and that there is violation in construction. Hence, no correction is required in respect of the original order dated 13.02.2018. However, taking note of the observation of

the Supreme Court in petition for Special to Appeal (C) No.33863 of 2017, dated 05.01.2018, that an application for regularization under the DTCP building Regularization Scheme 2017 is pending, we are inclined to review that portion of the order by making it clear that till the application for regularization is decided, the observation that the construction of the building in question by the fourth respondent has got to be razed to the ground, should be kept in abeyance.

4. The request of the review petitioner that his building should not be demolished, cannot be accepted, as that will go beyond the scope of the review, as this Court has already given a specific direction that everyone should follow the law and that there should not be any violation with regard to construction. Depending upon the outcome of the order in the application for regularization under the DTCP Building Regularisation Scheme 2017, the authority will have to take necessary steps. If any adverse orders are passed, the authority shall demolish the building.

5. We hope that electricity connection is disconnected as per the order of the Supreme Court cited supra, as the order of this Court dated 17.11.2017 has been confirmed. It is needless to state that if electricity connection is not disconnected, it is open to the writ petitioner to file contempt petition against

the person who has violated the orders of this Court.

6. With the above observations, this Review Application is disposed of.

No costs.

(M.V., J.)

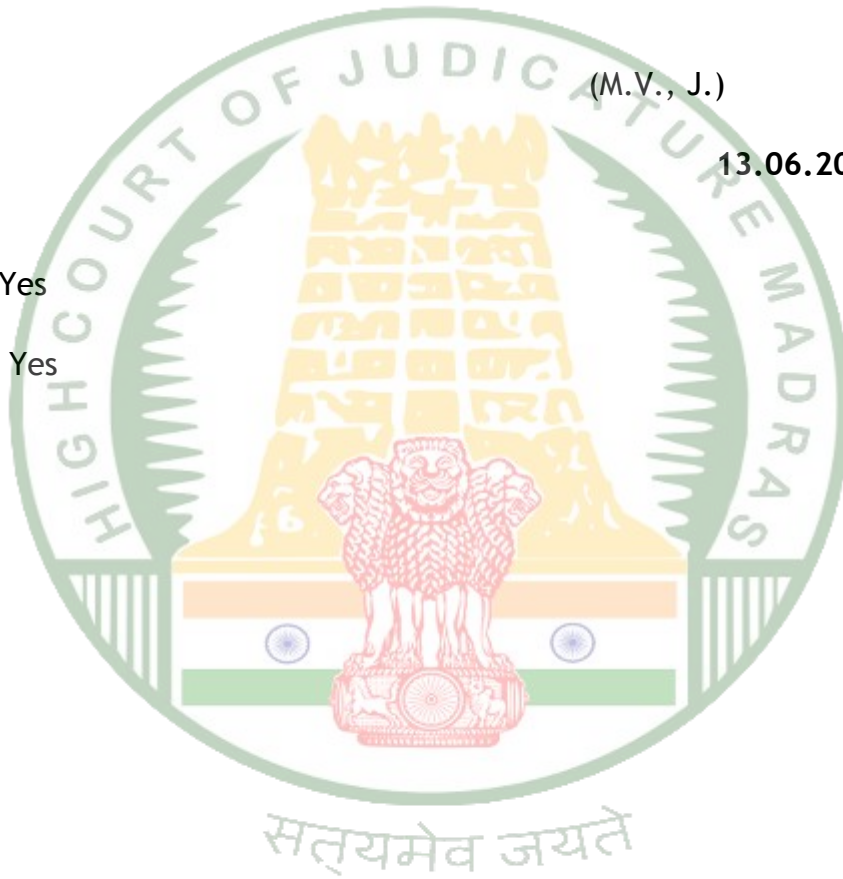
(S.V.N., J.)

13.06.2018

Index : Yes

Internet: Yes

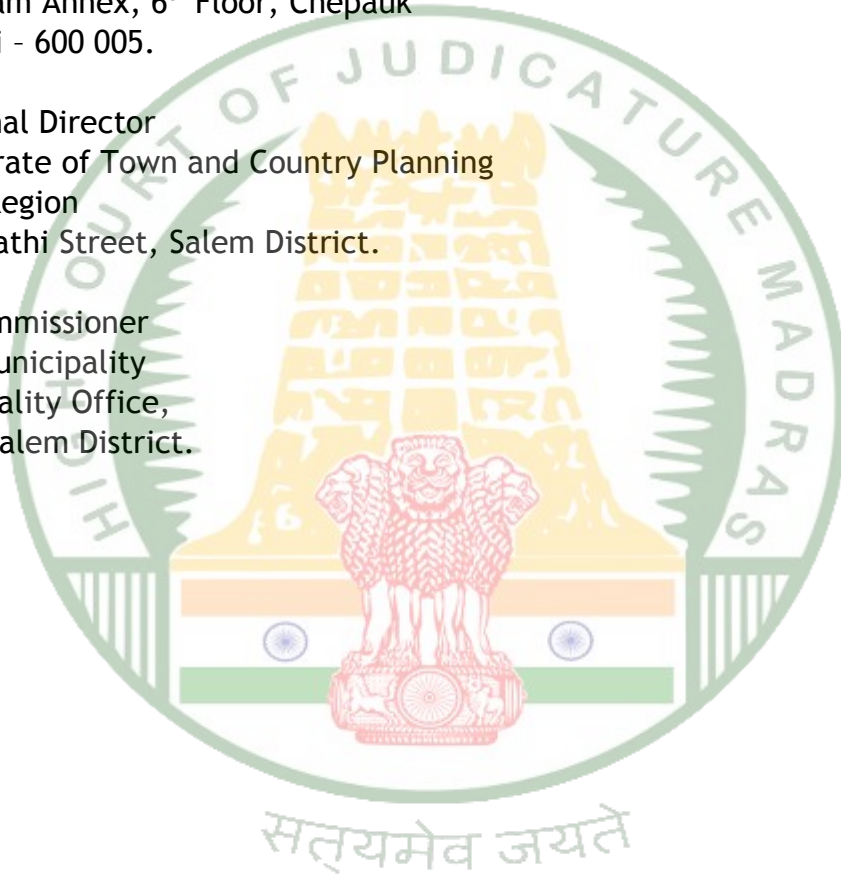
vsm



WEB COPY

To

- 1.The Commissioner of Municipal Administration  
Municipal Administration Department  
Ezhilagam Annex, 6<sup>th</sup> Floor, Chepauk  
Chennai - 600 005.
- 2.The Zonal Director  
Directorate of Town and Country Planning  
Salem Region  
5, Sannathi Street, Salem District.
- 3.The Commissioner  
Attur Municipality  
Municipality Office,  
Attur, Salem District.



WEB COPY

M.VENUGOPAL, J.

and

S.VAIDYANATHAN, J.

vsm



Review Application (Writ) No.64 of 2018

WEB COPY

13.06.2018