



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.8374 of 2018
and
W.M.P(MD)No.7925 of 2018

Grand Prixe Shelter and Hotel India Private Limited,
No.1, Arulmurugan Nagar,
Old Pallavaram, Chennai - 117
Through its Director S.Vijayakumar

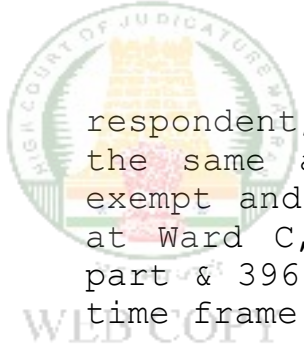
... Petitioner

Vs.

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The Commissioner of Town and Country Planning,
807, Anna Salai,
Chennai - 600 002.
4. The Deputy Director,
Town and Country Planning,
4, Hakkim Ajmalkhan Road,
Chinnachokkikulam,
Madurai.
5. The Member Secretary/Commissioner,
Kodaikanal Local Planning Authority,
Kodaikanal Municipality,
Kodaikanal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned notice issued by the fifth



respondent, dated 27.12.2017 in Na.Ka.No.2933/2007/F1 and quash the same as illegal and consequently direct the respondents to exempt and regularize the buildings owned by our Company situated at Ward C, Block 18, T.S.No.24 correlated to old Survey No.23 part & 396 part & 5 of Kodaikanal Town, Dindigul District within a time frame.

For Petitioner : Mr.I.Sam Jegan

For RR 1 to 4 : Mr.A.K.Baskara Pandian,
Special Government Pleader.

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the fifth respondent, dated 27.12.2017 and quash the same as illegal and consequently direct the respondents to exempt and regularize the buildings owned by them situated in Ward C, Block 18, T.S.No.24 correlated to old Survey No.23 part & 396 part & 5 of Kodaikanal Town, Dindigul District within a time frame.

2.The petitioner has challenged the impugned notice, dated 27.12.2017 issued by the fifth respondent calling upon the petitioner to remove the unauthorised construction.

3.Mr.A.K.Baskara Pandian, learned Special Government Pleader takes notice for the respondents 1 to 4.

4.The learned counsel appearing for the petitioner submitted that as against the impugned notice, dated 27.12.2017, the petitioner has filed a revision before the first respondent on 30.12.2017 and the same is pending. Further, the learned counsel submitted that in the revision, the petitioner has filed a stay petition, which is also pending before the first respondent without passing any order.

5.Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the first respondent may be directed to dispose of the revision within a time frame in accordance with law.

6.Having regard to the submissions made by the learned counsel appearing on either side and also taking note of the fact that the petitioner has challenged the impugned notice, dated 27.12.2017 by way of a revision before the first respondent, we are inclined to direct the first respondent to dispose of the revision within a



time frame. Since the stay petition is also pending before the first respondent, we also direct the first respondent to dispose of the stay petition filed by the petitioner on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. Till the disposal of the stay petition, the respondents are directed to maintain status quo as on today. Thereafter, the first respondent is directed to dispose of the revision filed by the petitioner on 30.12.2017 on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner, within a period of six weeks from the date of disposal of the stay petition.

7. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
3. The Commissioner of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
4. The Deputy Director,
Town and Country Planning,
4, Hakkim Ajmalkhan Road,
Chinnachokkikulam, Madurai.

+ 1 cc TO Mr. I. Sam Jegan, Advocate in SR No. 61711
+ 1 cc TO The Special Government Pleader in SR No. 61927

ps
AE/JC/SAR1/08.05.2018/3P/7C