



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

WEB COPY

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

W.P (MD) No.9941 of 2018
and
W.M.P (MD) No.9109 of 2018

P.Balasubramanian

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Municipal Administration
and Water Supply,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Dindigul District,
Dindigul.
3. The Member Secretary/Commissioner,
Kodaikanal Municipality and
Kodaikanal Local Planning Authority,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2859/2007/F1 dated 15.11.2017 on the file of the third respondent and quash the same as illegal and consequently directing the third respondent to remove the lock and seal of the petitioner's building in Ward-C, Block No.13, Town Survey No.22/part an extent of 10 cents in Laws Ghat Road, Kodaikanal, Dindigul District in the light of the application made by the petitioner, dated 05.01.2018 to enable the petitioner to demolish the unauthorized structures of the building within a time frame fixed by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For RR 1 & 2	: Mr.R.Murugan,
	Additional Government Pleader.
For R - 3	: Mr.T.S.Mohammed Mohideen

**ORDER**

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

The petitioner has filed the above writ petition to issue a Writ of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 15.11.2017 on the file of the third respondent and to quash the same and consequently direct the third respondent to remove the lock and seal of the petitioner's building in Ward-C, Block No.13, Town Survey No.22/part, measuring an extent of 10 cents in Laws Ghat Road, Kodaikanal, Dindigul District in the light of the application made by the petitioner, dated 05.01.2018 to enable the petitioner to demolish the unauthorized structures of the building within a stipulated time.

2.Mr.R.Murugan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.T.S.Mohammed Mohideen, learned counsel takes notice for the third respondent.

3.Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner submitted that instead of going to the merits of the impugned order, dated 15.11.2017, it would be suffice to direct the third respondent to consider the petitioner's application, dated 05.01.2018 and pass orders in accordance with law within a time frame.

4.Mr.T.S.Mohammed Mohideen, learned counsel appearing for the third respondent submitted that the third respondent may be directed to consider the petitioner's application, dated 05.01.2018 and pass orders in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, we direct the third respondent to consider the petitioner's application, dated 05.01.2018 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6.With this observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



To

1. The Principal Secretary to Government,
Department of Municipal Administration
and Water Supply,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Member Secretary/Commissioner,
Kodaikanal Municipality and
Kodaikanal Local Planning Authority,
Kodaikanal,
Dindigul District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 64323

+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 63854

PS

TE/SV-MMS/SAR-3 : 22/05/2018 : 3P/6C

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27.04.2018