

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.9502 of 2019 and
W.M.P.No.10124 of 2019

V.Suresh Rao

.. Petitioner

Vs.

1.Government of Tamil Nadu
rep by its Secretary,
Municipal Administration and Water
Supply (Mal) Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Udhagamandalam Municipality at
Udhagamandalam,
The Nilgris.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the 1st respondent to pass appropriate orders so as to remove the lock and seal put up by the 2nd respondent with respect to the property of the petitioner comprised in R.S.No.1108/2, now S.No.1108/3A, Ooty-Coonor Road, Udhagamandalam, the Nilgris for a period of six months from the date of handing over the said premises so as to enable the petitioner to carry on repairing and remodeling work in the aforesaid premises so as to bring the said premises in accordance with the Tamil Nadu Hill Station Building Rules pursuant to the representation dated 26.05.2018 submitted by the petitioner to the 1st respondent.

For Petitioner : Mr.D.Krishna Pradeep

For Respondents : Mr.P.Srinivas (R2)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to direct the 1st respondent to remove the lock and seal put up by the 2nd respondent with respect to the property comprised in R.S.No.1108/2, now S.No.1108/3A, Ooty-

Coonoor Road, Udthagamandalam, the Nilgris for a period of six months from the date of handing over the said premises so as to enable the petitioner to carry on repairing and remodeling work in the aforesaid premises so as to bring the said premises in accordance with the Tamil Nadu Hill Station Building Rules pursuant to the representation dated 26.05.2018 submitted by the petitioner to the 1st respondent.

2. On a perusal of the materials available on record, it could be seen that earlier, the petitioner filed a Civil Revision Petition in C.R.P.(NPD).No.1370 of 2015 and the Division Bench of this Court, by order dated 18.09.2015, while disposing of the Civil Revision Petition, recorded the submission made by the learned counsel for the petitioner to the effect that the unauthorized portion will be removed within a maximum period of two months from 18.09.2015 and the Division Bench observed that if the petitioner fails to do so within the specified time, the 2nd respondent - Municipality may proceed on its own. Though the order was passed as early as on 18.09.2015, the petitioner has not removed the unauthorized portion till today. Now, by way of the present Writ Petition, the petitioner seeks six months time to carry out repairing and remodeling work in the premises.

3. Since this Court has already directed the 2nd respondent - Municipality to proceed on its own if the petitioner fails to remove the unauthorized portion, the prayer sought for in the present Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. It is open to the 2nd respondent - Municipality to proceed further for the removal of the unauthorized portion in the premises. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Insp.cell)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu
Municipal Administration and Water
Supply (Mal) Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Udhagamandalam Municipality at
Udhagamandalam,
The Nilgris.

+1cc to Mr.P.Srinivas, Advocate SR.No.31819

+1cc to Government Pleader SR.No.31958

W.P.No.9502 of 2019 and
W.M.P.No.10124 of 2019

RK (CO)
GMY (02/05/2019)



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