

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.24308 of 2019
and W.M.P.No.24066 of 2019

R.Premkumar

.. Petitioner

Vs.

1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai-600 009.

2.The Commissioner of Municipal
Administration and Water Supply
(MA 1) Department
Chepauk, Chennai-600 005.

3.The District Collector
Udhagamandalam, Nilgiris.

4. The Commissioner
Udagamandalam Municipality
Udagamandalam
The Nilgiris District.

.. Respondents

Prayer:Writ Petition is filed under Article 226 of the
Constitution of India, for issuance of Writ of Mandamus
directing the 1st respondent to consider the representation of
the petitioner dated 02.07.2019.

For Petitioner : Mr.M.Gnanasekar

For R1 to R3 : Mr.V.Jayaprakash Narayan
Government Pleader

For R4 : Mr.P.Srinivas

O R D E R
(Delivered by DR.VINEET KOTHARI,J)

Heard the learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 3 and the learned counsel for the 4th respondent.

2. The grievance made by the petitioner in the present writ petition is that the property in question has been sealed by the 4th respondent on 09.11.2018 without giving a show cause notice and passing appropriate orders.

3. The learned counsel for the petitioner has drawn attention to the notice dated 15.05.2019 issued by the 4th respondent/ Commissioner of Udagamandalam Municipality, in which, it is stated that since the property in question was used as a hostel building, therefore, it is locked and sealed by the Municipality and only after getting approval from the Government, the seal for the said building can be removed. He further submitted that the petitioner sent a representation to the Principal Secretary to the Government, Chennai/1st respondent herein on 02.07.2019. Since the 1st respondent has not decided the same, the present writ petition is filed.

4. Having heard the learned counsel for the parties, we dispose of the present writ petition with a permission to the petitioner to appear before both the concerned authorities. In the first instance, the petitioner will appear before the Commissioner, Udagamandalam Municipality/4th respondent herein on 26.09.2019 and the said authority is directed to consider the representation of the petitioner dated 02.07.2019 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. Thereafter, if the petitioner is still aggrieved, he will appear before the Commissioner of Municipal Administration and Water Supply (MA-1) Department, Chepauk, Chennai, on 15.10.2019 and the said authority is also directed to pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai-600 009.

2.The Commissioner of Municipal
Administration and Water Supply
(MA 1) Department
Chepauk, Chennai-600 005.

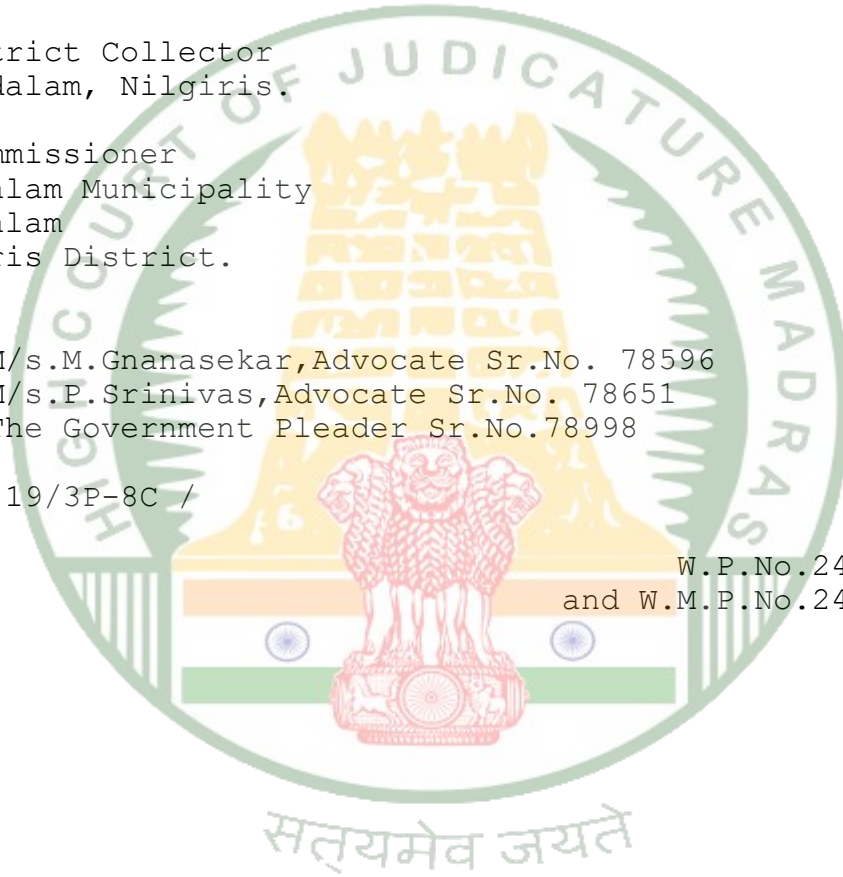
3.The District Collector
Udhagamandalam, Nilgiris.

4. The Commissioner
Udagamandalam Municipality
Udagamandalam
The Nilgiris District.

+1 cc to M/s.M.Gnanasekar,Advocate Sr.No. 78596
+1 cc to M/s.P.Srinivas,Advocate Sr.No. 78651
+1 cc to The Government Pleader Sr.No.78998

AKM/25.09.19/3P-8C /

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