

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30514 of 2019

P.Arumugam Mani

..Petitioner

Versus

1.The Secretary
Housing and Urban Department 3rd Floor
Namakkal Kavignaar Maaligai
Fort St.George
Chennai-600 009.

2.The Commissioner
Udhagamandalam Municipality
Udhagamandalam
Nilgris District.

..Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the first respondent herein to dispose of the revision petition no.3384 of 2019 pending on the file of the first respondent herein.

For Petitioner : Mr.V.Rajesh

For Respondents : Mr.P.Sivashanmugasundaram
Special Government Pleader for R1

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be the owner of the landed property measuring an extent of 0.10 acres (10 cents), comprised in T.S.No.3087/2 situated Governor Shola Road, Udhagamandalam Town, Nilgris District through a registered Sale Deed bearing Document No.1018 of 2007, registered on the file of Sub Registrar, Udhagamandalam. The petitioner for the purpose of constructing building on the said land, also obtained planning permission

under B.L.No.203/2017/F1 dated 22.05.2017 from the 2nd respondent, to put up a building comprising of Ground plus First floor, measuring a total extent of 137.22 sq.m, which was equivalent to 29% of the plot coverage and the validity of the license was between 22.05.2017 to 21.05.2018.

2. The learned counsel appearing for the petitioner would submit that the petitioner has almost completed 80% of the construction and all of a sudden, without any prior notice, the officials belonging to the 2nd respondent Municipality had sealed the building and according to the learned counsel for the petitioner, plastering works alone is yet to be done. The learned counsel for the petitioner would further submit that the petitioner has preferred a Statutory Revision before the 1st respondent on 13.02.2019 and it has been entertained in Revision Petition No.3384 of 2018 and the petitioner, pending disposal of the said revision, has also filed a miscellaneous petition for interim direction for removal of lock and seal put up on the said premises. The learned counsel appearing for the petitioner would also submit that it would be suffice to direct the 1st respondent to accord priority and dispose of the main revision petition, for the reason that the construction is in semi finished stage and if it is left as it is, there is a likelihood of damage on account of impending monsoon and other natural cause and hence prays for appropriate orders.

3. Mr.P.Shivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.P.Srinivas, learned standing counsel accepts notice on behalf of the 2nd respondent and they would submit that admittedly the building license was expired on 21.05.2018 and it is not clear from the affidavit filed in support of the writ petition as to whether the petitioner has obtained renewal of license or not. It is further added by the learned counsel for the 2nd respondent, on instructions, that it was found that the petitioner is actually putting up construction for commercial use, though the permission is granted only for residential purpose.

4. This Court has considered the rival submission and also perused the materials placed before it.

5. This Court, taking into consideration the factual circumstances and also the rival submission, directs the 1st respondent to accord priority and take up the petition for interim direction at the first instance and give a disposal on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate

the decision taken, to the petitioner and shall also take an endeavor to dispose the main revision petition as expeditiously as possible.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary
Housing and Urban Department 3rd Floor
Namakkal Kavignaar Maaligai
Fort St.George
Chennai-600 009.

2.The Commissioner
Udhagamandalam Municipality
Udhagamandalam
Nilgris District.

+1 cc to M/s.V.Rajesh,Advocate Sr.No. 89983
+1 cc to The Government Pleader Sr.No. 89979

AKM/03.12.19/3P-5C /

WP.No.30514 of 2019

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