

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33414 of 2018

R.Ravi .. Petitioner

-vs-

1.The Commissioner,
Udagamandalam Municipality,
Udagamandalam.

2.S.Rajkumar .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to remove the seal in the proper in Door No.111, Fern Hill Palace Road, Fern Hill, Ooty, which has been put up without any notice to the petitioner based upon his representation dated 23.11.2018.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.P.Srinivas
for respondent No.1
Mr.K.F.Manavalan
for respondent No.2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner; learned counsel for respondent No.1 and the learned counsel for respondent No.2.

2. The petitioner is seeking direction to respondent No.1

to remove the seal on his premises, which is Door No.111, Fern Hill Palace Road, Fern Hill, Ooty.

3. The grievance of the petitioner is that before locking and sealing his premises, he was not served with any notice. This is disputed by the learned counsel for respondent No.1, i.e., the Commissioner, Udagamandalam Municipality. The learned counsel for respondent No.1 states that locking and sealing and demolition notice dated 17.10.2018 was issued to the petitioner and the same was served on him on the very same date. Since the petitioner, who is occupant of the premises, refused to receive the said notice, the same was pasted on the premises. The learned counsel for respondent No.1 has also tendered photographs showing that notice was pasted on the premises.

4. It is not disputed by the learned counsel for the petitioner that the said notice was indeed pasted on the premises. In such view of the matter, it cannot be said that no notice was served on the petitioner in relation to locking and sealing and demolition of the premises.

4. In view of the fact that the petitioner was issued with notice under Section 57 read with Section 85 of the Town and Country Planning Act, 1971, it would be open to the petitioner to prefer an appeal against the said notice. On receiving the appeal, the Appellate Authority shall consider and dispose of the same in accordance with law as expeditiously as possible.

5. With above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.38781 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

Bbr

To
The Commissioner, Udagamandalam Municipality, Udagamandalam.

+1cc to Mr.P.Srinivas, Advocate SR.No.15982

+1cc to Mr.K.F.Manavalan, Advocate SR.No.15437

+1cc to Mr.R.Karthikeyan, Advocate SR.No.15427

W.P.No.33414 of 2018

KJI (CO)
GMY(13/03/2019)