

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.33662 of 2018

A.Thangaraj

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep.by its Secretary to Government,
Housing Board and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The State of Tamilnadu,
Rep.by its Joint Secretary to Government,
Housing Board and Urban Development Department,
Secretariat, Chennai - 600 009.
- 3.The Commissioner,
Town and Country Planning,
Chennai -2.
- 4.The District Collector,
Salem District,
Salem.
- 5.The Member Secretary,
Salem Local Project Committee,
No.5/601-b, Balaji Nagar,
Subramaniya Nagar 1st Gate,
Sooramangalam, Salem - 636 005.
- 6.The Block Development Officer,
Special Officer,
Panamarathupatti Panchayat Union,
Salem District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 10.07.2018 and to pass appropriate orders on merits and in accordance with law.

For Petitioner : Mr.M.Sasikumar
for Mr.A.M.Esakkiappan

For Respondents : Mr.E.Manoharan
Additional Government Pleader
for R1 to R4 and R6
No appearance for R5

ORDER

(The Order of the Court was made by S.Manikumar, J.,)

Nilavarapatti Village, Panamarathupatti Panchayat Union, Salem District, has been declared as Hill Area Conservation. The petitioner submitted a representation, dated 10.07.2018 to the Secretary to Government, Housing Board and Urban Development Department, Chennai to cancel the said declaration. Further contending inter alia that the said representation has not been addressed, the petitioner has sought for a writ of mandamus, directing the Secretary to the Government, Housing Board and Urban Development Department, Chennai / first respondent and the Joint Secretary to Government, Housing Board and Urban Development Department, Chennai / second respondent to consider the said representation and pass orders on merits and in accordance with law.

2. Supporting the prayer sought for, Mr.M.Sasikumar, learned counsel for the petitioner made submissions.

3. Perusal of the records would show that the representation of the petitioner dated 10.07.2018 is being considered and that the Secretary to Government, Housing Board and Urban Development Department, Chennai / first respondent, vide letter No.15301/Na.Va.2(2)/2018-1, dated 09.08.2018 has requested the Commissioner of Town and Country Planning, Chennai, to call for a detailed report about Nilavarapatti Village, which has been declared as a Hill Area Conservation and to send the same to the Government as early as possible.

4. At this juncture, it is not known as to whether the report has been sent to the Commissioner, Town and Country Planning, Chennai. If it is not sent yet, Commissioner, Town

and Country Planning, Chennai / 3rd respondent is directed to send a report as called for by the Secretary to Government, Housing Board and Urban Development Department, Chennai / first respondent, within a period of two weeks from the date of receipt of a copy of this order.

5. On receipt of the report, Secretary to the Government, Housing Board and Urban Development Department, Chennai / first respondent, is directed to pass orders within a period two weeks thereafter.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Housing Board and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Joint Secretary to Government,
State of Tamil Nadu,
Housing Board and Urban Development Department,
Secretariat,
Chennai - 600 009.
- 3.The Commissioner,
Town and Country Planning,
Chennai -2.
- 4.The District Collector,
Salem District,
Salem.
- 5.The Member Secretary,
Salem Local Project Committee,
No.5/601-b, Balaji Nagar,
Subramaniya Nagar 1st Gate,
Sooramangalam, Salem - 636 005.

6.The Block Development Officer,
Special Officer,
Panamarathupatti Panchayat Union,
Salem District.

+1 cc to Mr.M.Esakkiappan, Advocate Sr.No.21710
+1 cc to The Government Pleader, Sr.No.21794

W.P.No.33662 of 2018

MR (CO)
CSL/03.04.2019



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