



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.21770 of 2019

S.M.Shanmugam

: Petitioner

Vs.

1. The Commissioner,
Kodaikkanal Municipality,
Kodaikkanal,
Dindigul District.

2. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the second respondent herein to take on file petitioner's Appeal dated 20.07.2019, which is pending on his file as out of turn considering his old age and dispose the same within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondent No.1 : Mr.T.S.Mohammed Mohideen
Standing Counsel
For Respondent No.2 : Mr.M.Murugan
Government Advocate

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed an appeal before the second respondent challenging the lock and seal proceedings initiated by the first respondent Municipality.

3.Heard Mr.R.Sundar, learned Counsel appearing for the petitioner, Mr.T.S.Mohammed Mohideen, learned Standing Counsel appearing for the first respondent and Mr.M.Murugan, learned Government Advocate, appearing for the second respondent.



4. Admittedly, there are several buildings which have been unauthorisedly constructed, constructed in violation of building plans, unauthorised change of structures, which have all been locked and sealed. All those aggrieved persons have preferred appeals before the second respondent and the writ petitioner is also one such person who has filed an appeal petition on 20.07.2019.

5. The grievance of the petitioner is that the appeal petition is yet to be taken on file. It cannot be disputed that there are several hundreds of appeals filed before the second respondent by all the persons who had put up illegal construction in Kodaikkanal Municipality area and we cannot direct the petitioner's appeal should be taken out of turn and decided. However, we direct the second respondent to entertain the appeal petition, if it is otherwise in order and assign number and decide the same on merits and in accordance with law as per seniority.

6. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner,
Kodaikkanal Municipality,
Kodaikkanal,
Dindigul District.
2. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

+1 CC to Mr.R.SUNDAR, Advocate (SR-92234[F] dated 16/10/2019)
+1 CC to SPL GP (SR-92455[F] dated 17/10/2019)

Order made in
W.P. [MD]No.21770 of 2019
Dated: 16.10.2019

mr
MK (25.10.2019) 2P 5C