



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.23057 of 2019

and

W.M.P. (MD) .No.19795 of 2019

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The Kodaikanal Club
Rep by its Hon.Secretary
Mr.Rakesh Mittal,
Kodaikanal

... Petitioner

Vs.

1.State of Tamil Nadu

Rep by its Principal Secretary,
Municipal Admn & Water Supply Department,
Fort St.George,
Chennai-600 009.

2.State of Tamil Nadu,

Rep by its Principal Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Member - Secretary/Commissioner,
Kodaikanal Municipality and Kodaikanal,
Local Planning Authority,
Kodaikanal, Dindigul District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's Review/Appeal application dated 11.01.2016 with reference to the records of the Kodaikanal Municipality pertaining to property tax assessment Nos.9661, 10220, 10221, 10222, 10223 and 10224 prior to the year 1993.

For Petitioner :Mr.P.R.Raman, Senior Counsel,
for Mr.K.Hemakarthikeyan

For R1 to R3 :Mr.A.Muthukaruppan
Additional Government Pleader

For R4 :Mr.T.S.Mohd. Mohaideen
Standing Counsel



ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

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Heard Mr.P.R.Raman, learned Senior Counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.T.S.Mohd. Mohideen, learned Standing Counsel appearing for the fourth respondent.

2.By consent on either side, this writ petition is taken up for disposal.

3.The petitioner seeks a limited relief for a direction upon the respondents to consider the petitioner's review/appeal petition dated 11.01.2016 filed against the locking and sealing of certain constructions put up by the petitioner's club.

4.The learned counsel appearing for the respondents submitted that reasonable time should be granted to the authorities to consider the appeal petition/review petition, because there are several cases where appeals and reviews are pending, because of the action initiated by the respondent Municipality in locking and sealing the building where unauthorised constructions have been put up in deviation on approved plan etc.

5.It is submitted by the learned Senior counsel for the petitioner that the petition has been presented in the office of the second respondent in person on 22.07.2019. However, there is no acknowledgment issued for such presentation of the appeal.

6.As it is stated that the matter is now pending for consideration before the second respondent, we direct the second respondent to consider the appeal petition/review petition on merits and in accordance with law and taking note of the submission made by the petitioner and the records that he may place before the authority for consideration. To facilitate the effective implementation of this order, we direct the petitioner to forward the copy of the appeal/review petition along with all other relevant records which he proposed to rely upon, including the copy of this order and submit the same in person in the office of the second respondent. Upon such presentation, the second respondent shall consider the said petition on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and pass final order as expeditiously as possible, not breaching the seniority and in any event, not later then 60 days from the date of receipt of a copy of this order. The second respondent shall also call for appropriate report and the relevant records from the fourth respondent Municipality, while deciding the appeal/review petition.



7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu
Municipal Admn & Water Supply Department,
Fort St. George,
Chennai-600 009.

2. The Principal Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

3. The District Collector,
Dindigul District,
Dindigul.

4. The Member - Secretary/Commissioner,
Kodaikanal Municipality and Kodaikanal,
Local Planning Authority,
Kodaikanal,
Dindigul District.

+1 CC to Mr. K. HEMAKARTHIKEYAN, Advocate (SR-95571[F] dated 01/11/2019)

+1 CC to Mr. T. S. MOHAMED MOHIDHEEN, Advocate (SR-95770[F] dated 04/11/2019)

+1 CC to SPL GP (SR-95980[F] dated 04/11/2019)

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