



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

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

W.P.[MD]No.23901 of 2019

A.Abdul Rahim

: Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai - 9.

2.Kodaikanal Municipality,
Rep. by its Commissioner,
Kodaikanal.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the first respondent to consider and pass orders expeditiously and in accordance with law on the petitioner's Revision Application dated 21.03.2019 under Section 80(A) and 80(A)(3) of the Tamil Nadu Town and Country Planning Act, 1971, received by the first respondent on 25.03.2019, against the action and decision of Locking and Sealing by the second respondent on 26.02.2019 of the building comprised in Old Survey No.388 correlated in Re-Survey Ward C, Block No.18, T.S.No.37 to an extent of 31 cents at Laws Ghat Road, Kodaikanal Town, Kodaikanal, Dindigul District in Door Nos.5/27, 5/27-A, 5/27-C and 5/27-B for deseal and removal of lock and seal affixed by the second respondent on 26.02.2019, so as to enable the petitioner to carry out rectification and resubmit a revised plan under the Tamil Nadu Combined Development Rules and revised Kodaikanal Master Plan as undertaken in the said Appeal / Revision by the petitioner.

For Petitioner : Mr.D.S.Rajasekaran

For Respondent No.1 : Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondent No.2 : Mr.T.S.Mohammed Mohideen
Standing Counsel



O R D E R

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

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

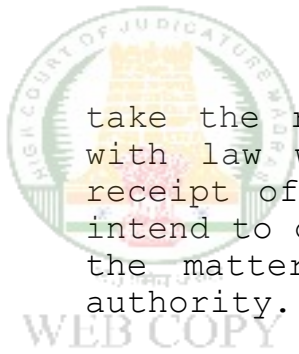
2.Heard Mr.D.S.Rajasekaran, learned Counsel appearing on behalf of the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the first respondent and Mr.T.S.Mohammed Mohideen, learned Counsel appearing on behalf of the second respondent.

3.This writ petition has been filed for a direction upon the first respondent to consider and pass orders expeditiously on the petitioner's Revision Application dated 21.03.2019 under Section 80 (A) and 80(A)(3) of the Tamil Nadu Town and Country Planning Act, 1971, received by the first respondent on 25.03.2019, against the action and decision of Locking and Sealing by the second respondent on 26.02.2019 of the building comprised in Old Survey No.388 correlated in Re-Survey Ward C, Block No.18, T.S.No.37 to an extent of 31 cents at Laws Ghat Road, Kodaikanal Town, Kodaikanal, Dindigul District in Door Nos.5/27, 5/27-A, 5/27-C and 5/27-B for de-sealing and removal of lock and seal affixed by the second respondent on 26.02.2019, so as to enable the petitioner to carry out rectification and resubmit a revised plan under the Tamil Nadu Combined Development Rules and revised Kodaikanal Master Plan as undertaken in the said Appeal / Revision by the petitioner.

4.The learned Special Government Pleader appearing on behalf of the revision authority submits that there are several revision petitions to be dealt with by the authorities and they have been dealt with in the order of seniority.

5.The learned Standing Counsel appearing on behalf of the Kodaikanal Municipality submitted that the building has been locked and sealed. The Commissioner of Kodaikanal Municipality can take no credit for locking and sealing the building because that step was directed to be taken pursuant to the Court order. Had the municipality been vigilant, the construction would have been stopped at the initial stage itself. The building consists of basement, ground and two floors. Photographs produced by the learned Standing Counsel for the Kodaikanal Municipality shows that there is gross deviation of much of the structures and the same is not permissible in a hill area.

6.Be that as it may, the revision is now pending before the revisional authority and taking note of the earlier directions issued in similar such cases, we direct the revisional authority to



take the revision petition and dispose of the same in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order. We make it clear that we do not intend to direct the authorities to breach the seniority and take up the matters in accordance with the schedule drawn by the said authority. The outer time limit fixed is twelve [12] weeks.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1. The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai - 9.

2. The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

+1 CC to M/s. T.S. MOHAMED MOHIDHEEN, Advocate (SR-98051[F] dated 13/11/2019)

+1 CC to M/s. D.S. RAJASEKARAN, Advocate (SR-98182[F] dated 14/11/2019)

+1 CC to M/s. GP (SR-98393[F] dated 14/11/2019)

Order made in
W.P. [MD] No. 23901 of 2019
Dated: **13.11.2019**

JMN (11.12.2019) 3P : 6C