IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2267 of 2018
and
C.M.P.No.14187 of 2018

S.Babu ..Petitioner

Vs.

1.The Principal Secretary,
Municipal Administration and
Water Supply (MA1) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Udhamandalam Municipality,
Udhamandalam,
Nilgiris District. ..Respondents

PRAYER: Civil Revision Petition filed under Article 217-L of the Tamilnadu District Municipalities Act 1920, r/w. Article 227 of the Constitution of India, praying to set aside the order dated 01.03.2018 made in Government Letter (M) No.81/MA1/2018 on the file of the first respondent herein confirming the order dated 13.08.1996 made in UAC.No.27/1996/N-on the file of the second respondent herein by allowing the above Civil Revision Petition.

For Petitioner : Mr.T.Murugamanickam,
Senior Counsel for Mr.V.Rajesh

For Respondents: Mr.Y.G.Aravind Gosh,
Additional Government Pleader for R1
Mr.S.Kadarkarai for R2

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O R D E R

This matter is taken up for hearing through Video-Conferencing.

2. The Revision is directed against the order of the Principal Secretary to the Government, rejecting the appeal filed by the petitioner on the ground that the petitioner has not produced necessary documents.

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3. From the order it is seen that it is an exparte order based on the ground that the petitioner was absent for the enquiry on 14.02.2018. The learned Senior counsel appearing for the petitioner has produced the flight tickets of the petitioner and his counsel dated 13.02.2018 from Coimbatore to Chennai. It is also seen from the notice dated 09.08.2018 issued by the petitioner to the Principal Secretary, Municipal Administration and Water Supply Department that the petitioner was mislead by Mr.Palaniswamy, Term Planning Inspector of the second respondent who was present outside the office of the Principal Secretary stating that the matter has been adjourned to the subsequent date. This notice has not evoked any response from the office of the Principal Secretary.

4. In any event taking note of the fact that the order impugned is an exparte order and with a view to give an opportunity to the petitioner, this Civil Revision Petition is allowed and the impugned order dated 01.03.2018 is set aside. Consequently, the connected miscellaneous petition is closed.

5. The matter is remitted to the Principal Secretary, Municipal Administration and Water Supply Department. The Principal Secretary shall send notice of hearing to the parties and hear the parties and pass orders afresh on merits. The Principal Secretary is directed to send notice of hearing to the petitioner directly by Registered Post without resorting to service through the officials of Ooty Municipality, against whom serious allegations of prejudice have been made by the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Municipal Administration and
Water Supply (MA1) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Udhamandalam Municipality,
Udhamandalam,
Nilgiris District.

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+1cc to Mr.V.Rajesh, Advocate, S.R.No.39272

+1cc to Mr.S.Kadarkarai, Advocate, S.R.No.39465

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and
C.M.P.No.14187 of 2018

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RV(23/12/2020)

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