



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.16570 of 2020

N.Kamal

... Petitioner

Vs.

The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus, to direct the respondent to permit the petitioner to complete the construction work as per revised plan sanctioned in proceedings B.A.No.47/2017/F1 dated 09.05.2019 on the file of the respondent Municipality by allowing the petitioner to assess his property in Old Town S.F.No.1/1/18 and presently in Resurvey, Ward-C, Block No.22, T.S.No.1, Plot No.D4, Kodaikanal Town.

For Petitioner : Mr.B.Prasanna Vinoth
For Respondent : Mr.T.S.Mohideen Mohammed
Standing Counsel

ORDER

[Order of the Court was made by **N. KIRUBAKARAN, J.**]

The petitioner has put up a superstructure in Old Town S.F.No.1/1/18 and presently in Resurvey, Ward-C, Block No.22, T.S.No.1, Plot No.D4, Kodaikanal Town. However, it is not according to the plan. Therefore, the building was under lock and seal from the year 2018. In view of that, the petitioner has applied for a revised plan. The revised plan has been granted on 09.05.2019. Though the revised plan was granted by the respondent Municipality, the petitioner was not permitted to construct the building according to the revised plan. Therefore, the petitioner has given a representation on 20.10.2020 and since the same has not been considered so far, he has approached this Court with this writ petition.

2. Heard Mr.B.Prasanna Vinoth, learned counsel for the petitioner and Mr.T.S.Mohammed Mohideen, learned Standing Counsel, takes notice on behalf of the respondent.



3. Mr.T.S.Mohammed Mohideen, learned Standing Counsel appearing for the respondent submits that the building itself has been constructed in violation of the approved plan and straight away, he is asking for a writ of mandamus to construct the property according to the revised plan, whereas the building was completed.

WEB COPY

4. The learned Standing Counsel for the respondent has got no objection, if the building is going to be altered according to the revised plan.

5. In any event, the respondent shall take a decision by considering the petitioner's representation, dated 20.10.2020 and pass appropriate orders thereon, on merits and in accordance with law and also as per the order of this Court, dated 19.08.2019 passed in W.P.(MD)No.914 of 2018, after giving opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the case of the petitioner.

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

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ogy

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

+1 CC to Mr.B.PRASANNA VINOTH, Advocate SR-23190.

+1 CC to Mr.T.S.MOHAMMED MOHIDHEEN, Advocate SR-23198.

W.P. (MD) No.16570 of 2020

26.11.2020

PK(CO)

CS(08.12.2020) 2P 4C