

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.3095 of 2015

and

MP.No.1 of 2015

K.Pattabiram

..Petitioner

Vs.

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

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

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of Code of Civil Procedure praying to set aside the order dated 27.04.2015 made in Government Letter (M) No.266/MA.1/2015 on the file of the first respondent herein modifying the order dated 10.10.2014 made in Demolition Notice No.18/2005/F1 - on the file of the second respondent herein.

For Petitioner : Mr.A.K.Kumarasamy,
Senior Counsel
for Mr.S.Kaithamalai Kumaran

For Respondents
For R1 : Mr.S.Jaganathan,
Government Advocate(CS)
For R2 : Mr.P.Mohanarangan

ORDER

The civil revision petition is arising out of order dated 27.04.2015 made in Government Letter (M) No.266/MA.1/2015 on the file of the first respondent herein modifying the order dated 10.10.2014 made in Demolition Notice No.18/2005/F1 - on the file of the second respondent herein thereby directed the petitioner to rectify the violations in the construction within a period of three months.

2. The learned Senior Counsel appearing for the petitioner submitted that the petitioner constructed residential building in Town Survey No. Ward B, Block-13, Ts.No.33, 34/1, RS.No.2061, 2064 to an extent of 197 sq.m. He constructed basement floor, second floor without any approval from the municipality. Therefore, the second respondent passed order dated 10.10.2014 directed the petitioner to remove the unauthorised construction. Aggrieved by the same, the petitioner filed review petition. In the said petition, the first respondent

issued show cause notice dated 09.04.2015 thereby called upon the petitioner for personal hearing to be held on 17.04.2015. In fact, he attended enquiry and he agreed to remove the unauthorised portion of construction. Even then, he did not remove the construction and as such on 27.04.2015, the first respondent passed the impugned order directing the petitioner to remove the unauthorised construction. He further submitted that the second portion of the building has been occupied by the tenant. Therefore, he could not able to demolish the unauthorised construction as directed by the first respondent. In fact, the petitioner filed eviction petition and eviction was also ordered. Aggrieved by the same, the tenant filed appeal and it is pending before the Appellate Authority. As such he seeks further time to demolish the unauthorised construction portion in the second floor.

3. Considering the above, this Court finds no merits in this petition and the civil revision petition is liable to be dismissed. However, considering the submission made by the learned Senior Counsel appearing for the petitioner, six more months is extended to comply the order passed by the first respondent dated 27.04.2015.

4. With the above direction, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed.

No order as to costs.

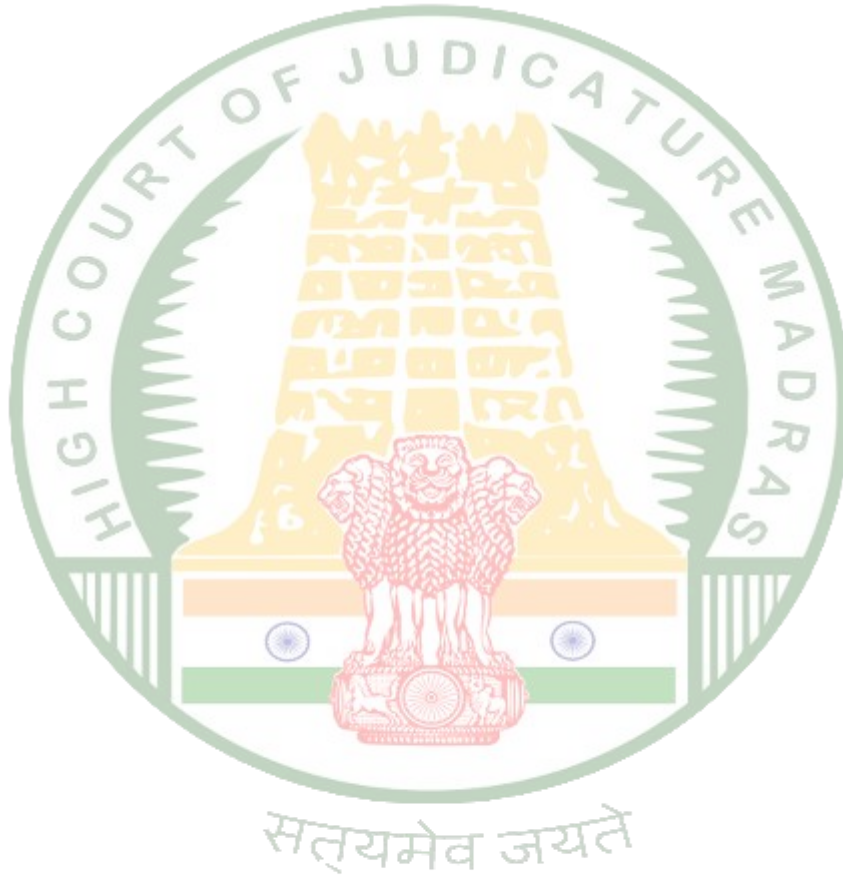
04.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

- 1.The Principal Secretary,
Municipal Administration and
Water Supply Department,

4/6

Secretariat, Fort St.George,
Chennai-600 009

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



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G.K.ILANTHIRAIYAN,J.

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