



C.R.P. No.3142 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3142 of 2017
and
C.M.P.No.14756 of 2017

Tmt. E.K.Mariammal,
W/o. E.J. Jose

... Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by Principal Secretary to
Government,
Fort St. George,
Secretariat, Chennai-9.
- 2 The Member Secretary/Commissioner,
Coonoor Municipality,
Coonoor Local Planning Authority,
Coonoor, The Nilgiris Dt.

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order in Letter (P) No.40/NN/2017 dated 06.02.2017 of the 1st respondent.



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For Petitioner : Mrs.A.L.Ganthimathi
For Respondents : Ms. Vijaya Devi,
Govt. Advocate for R1
Mr.P.Srinivas for R2

ORDER

Challenging the impugned order passed by the 1st respondent vide Letter (P) No. 40/NN/2017, dated 06.02.2017, the Revision Petitioner preferred this Civil Revision Petition.

2. The contention of revision petitioner is that the 1st respondent ought to have seen that the building was put up by the petitioner only in accordance with the sanctioned plan of the year 1998 and as early as in the year 2001, a notice was served on the petitioner even when the construction was under progress and the petitioner submitted a detailed explanation for the same. The learned counsel for revision petitioner further argued that the 1st respondent ought to have seen that the construction was put up only in first and second floors and the ground floor is left only for leveling of the building and the sanctioned plan makes allowance for construction of a



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retaining wall to a height of 20 ft. to 30 ft. and the same has been constructed only in accordance with the plan. But, the authorities not appreciated those facts, dismissed the application. Challenging the said proceedings, the Revision Petitioner preferred this Civil Revision Petition.

3. By way of reply, the learned Government Advocate for 1st respondent submitted that inspite of opportunity given to him, he has not demolished the building constructed by deviation of rules, which has to be followed in the premises. Hence, he prayed to dismiss this Civil Revision Petition.

4. On considering the facts, it reveals that Coonoor Municipality issued notice to the revision petitioner stating that he has committed lot of deviations in the construction and not followed the rule required to be followed in the field area granted. After receipt of notice, he preferred an appeal, but the same was dismissed holding that the deviation has not been demolished and the construction of building is an unlawful construction and violation of rules. However, in the notice dated 06.02.2017 annexed with



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the typed set of papers, it also reveals that construction of Revision Petitioner in the disputed premises completely violates the rules, which has to be followed as per Tamil Nadu District Municipalities (Hill Station) Building Rules, 1993. Therefore, I do not find any merit in this Revision Petition. Accordingly, this Civil Revision is dismissed. However, three months time is granted to demolish the building, failing which, the authority can take action as per manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

15.11.2022

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To

1. The Principal Secretary to
Government,
State of Tamil Nadu,
Fort St. George,
Secretariat, Chennai-9.
- 2 The Member Secretary/Commissioner,
Coonoor Municipality,
Coonoor Local Planning Authority,
Coonoor, The Nilgiris Dt.
3. The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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