



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR. JUSTICE P. VELMURUGAN

W.P (MD) NOS. 15934 and 16011 OF 2019

and

W.M.P (MD) Nos. 12650 and 12708 of 2019

J. Prakash Pandian,
Son of Jayaraman,
Proprietor,
JCB Grand Inn,
13.3.45A, Aladipatti, Pannaikadu,
Kodaikanal Taluk,
Dindigul District.

: Petitioner in both W.Ps'

.vs.

1. The District Collector,
Dindigul District,
Collectorate,
Dindigul.

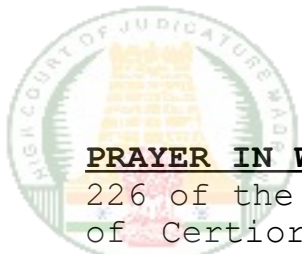
2. The Assistant Director (Panchayats),
Dindigul District,
Rural Development and Panchayat Raj Department,
Dindigul.

3. The Special Officer/The Block Development Officer,
Vilpatti Panchayat,
Kodaikanal Block,
Dindigul District.

4. The Assistant Engineer,
Town East,
TANGEDCO,
Kodaikanal.

: Respondents in both W.Ps'

PRAYER IN W.P (MD) No. 15934 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records comprised in impugned order dated 12.2.2019 issued by the third respondent for property bearing Property Tax Assessment No. 1159 and to quash the same as being arbitrary, illegal and ultra vires.



PRAYER IN W.P (MD) No. 16011 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records comprised in impugned order dated 12.2.2019 issued by the third respondent for property bearing Property Tax Assessment No.1158 and the consequential order, dated 6.3.2019 in Lr.No.Umipo/Na.Ki/Kodai/Va.Aa/Ko.Ni.Ma.Va/A.No.Camp/19 issued by the fourth respondent and to quash the same as being arbitrary, illegal and ultra vires and consequently direct the third respondent to de-seal the premises at S.No.51/4A, Door No.W3/604-A, B,C,D,E,F,G,H, JCP Grand Inn, Kurinji Andavar Koil Street, Vilpatti Panchayat, Kodaikanal with Property Tax Assessment Numbers 1158 to 1165 and the fourth respondent to restore the electricity connection in S.C.No.251-010-1237.

For Petitioner :Mr.K.Prabhakar
in both W.Ps'

For Respondents :Mr.P.Subbaraj
1 to 3 Special Govt.Pleader
in both W.Ps'

COMMON ORDER

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

These Writ Petitions are filed challenging the notices issued under Section 217(J) of the Tamil Nadu District Municipalities Act, 1920 r/w Section 56 of the Town and Country Planning Act, 1971 seeking to remove a portion of the construction made without obtaining prior permission.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The above said notices had directed the Petitioner to remove the unauthorized construction made, within 15 days, failing which, the electricity connection will be disconnected and the buildings would be taken over by the respondents, by locking and sealing the same.

4.Though the notices were issued on 12.02.2019, the Petitioner has moved this Court by filing the present Writ Petitions on 17.07.2019, however, pursuant to the above said impugned notices, representation, dated 8.3.2019 was sent by the Petitioner to the third respondent, which is still pending consideration.

5.After hearing the parties for some time, it was requested by the learned counsel for the Petitioner that it would suffice if

<https://hcservices.ecourts.gov.in/hcservices/>



the representation given by the Petitioner, dated 8.3.2019 is considered and order is passed by the third respondent, within a time frame stipulated by this Court.

6. Accordingly, we direct the Petitioner to furnish one more copy of the representation, dated 8.3.2019 to the third respondent within a week from the date of receipt of a copy of this order and the third respondent is directed to consider the said representation by affording an opportunity of personal hearing to the Petitioner and pass appropriate orders as per law, within a period of four weeks thereafter.

7. With the above directions, the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

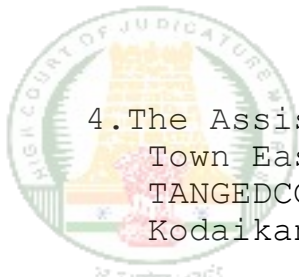
Sub Assistant Registrar (CS)

vsn

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

1. The District Collector,
Dindigul District,
Collectorate,
Dindigul.
2. The Assistant Director (Panchayats),
Dindigul District,
Rural Development and Panchayat Raj Department,
Dindigul.
3. The Special Officer/The Block Development Officer,
Vilpatti Panchayat,
Kodaikanal Block,
Dindigul District.



4.The Assistant Engineer,
Town East,
TANGEDCO,
Kodaikanal.

+2 CC to M/s.K.PRABHAKAR, Advocate (SR-132[F] dated 04/01/2022)

+1 CC to M/s.SPL GP (SR-346[F] dated 05/01/2022)

W.P (MD) NOS.15934 and 16011 OF 2019 and

W.M.P (MD) NOS.12650 and 12708 of 2019

04.01.2022

RD(19.01.2022) 4P 8C