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CRP(NPD)No.20.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(NPD)Nos.203, 104, 105, 1196, 1903, 1908,
1966, 208, 236 & 268 of 2016
and C.R.P.(NPD)No.2863 of 2015
and C.M.P.Nos.10337, 1068, 1183, 1254, 612,
613, 6558, 9918 & 9957 of 2016
and MP.No.1 of 2015**

CRP(NPD)No.203 of 2016

Haroon

.. Petitioner

VS

1.The Secretary to Government
State of Tamil Nadu
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Gudalur Municipality
Gudalur, Nilgiris

.. Respondents

PRAYER : Civil Revision Petition is filed under Section 217-L of the Tamil Nadu District Municipalities Act, Act V of 1920 as amended by Tamil Nadu Act VIII of 1992 read with Section 115 of C.P.C., praying to set aside the order of the 1st respondent passed in Government Letter (L) No.453/Na.Nee.1/2015 dated 14.07.2015 by confirming the order of the 2nd respondent UAC No.1/2014/TPI dated 29.10.2014 and served on 10.08.2015.

<https://www.mhc.tn.gov.in/judis>



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Case Nos.	For Petitioners	For Respondents
CRP.No.203 of 2016	Mr.M.Muthappan	Mr.S.P.Karthik (for R1) Government Advocate Mr.S.Kadarkarai (for R2)
CRP.No.104 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1) Government Advocate Mr.S.Kadarkarai (for R2)
CRP.No.105 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1 & R2) Government Advocate Mr.S.Kadarkarai (for R3)
CRP.No.1196 of 2016	Mr.C.Kulanthaivel	Mr.S.P.Karthik (for R1 to R4) Government Advocate Mr.S.Kadarkarai (for R5)
CRP.No.1903 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1) Government Advocate Mr.S.Kadarkarai (for R2)
CRP.No.1908 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1 & R2) Government Advocate Mr.S.Kadarkarai (for R3)
CRP.No.1966 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1) Government Advocate Mr.S.Kadarkarai (for R2)
CRP.No.208 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1 & R2) Government Advocate Mr.S.Kadarkarai (for R3)
CRP.No.236 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1 & R2) Government Advocate Mr.S.Kadarkarai (for R3)
CRP.No.268 of 2016	Mr.N.Damodaran	Mr.S.P.Karthik (for R1 & R2) Government Advocate Mr.S.Kadarkarai (for R3)
CRP.No.2863 of 2015	Mr.N.Damodaran	Mr.S.P.Karthik (for R1) Government Advocate Mr.S.Kadarkarai (for R2)



COMMON ORDER

These Civil Revision Petitions have been filed challenging the orders passed by the respondents for the removal of unauthorised construction.

2. The petitioners in these Civil Revision Petitions are the owners of the residential building. Earlier, the 2nd respondent Municipality issued show cause notices under Sections, 217-B(1) and 217-J(1) of the Tamil Nadu District Municipalities Act, (hereinafter called as 'Act') alleging that, the petitioners herein have put up construction unauthorisedly. It also alleged that there are deviations from the approved plan.

3. After considering the objections submitted by the petitioners and after conducting an enquiry, an order came to be passed under Section 217-J(2) of the Act. Challenging the order of demolition, the petitioners have filed the review petitions before the 1st respondent Government under Section 217-K of the Act.

4. The 1st respondent after considering the review petitions and after giving reasonable opportunity of hearing and also considering the objections of the petitioners, dismissed the review petitions, thereby confirming the order passed by the 2nd respondent. Challenging the same, the present Civil Revision Petitions have been filed.

5. I have heard Mr.M.Muthappan, Mr.N.Damodaran and Mr.C.Kulanthaivel, learned counsels appearing for the petitioners as well as Mr.S.P.Karthik, learned

Government Advocate appearing for the 1st respondent/State and Mr.S.Kadarkarai,



learned counsel appearing for the 2nd respondent/Commissioner, and perused the records carefully.

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6. On perusal of the order passed by the 2nd respondent/Commissioner, it could be seen that, there is not only a deviation, but there are unauthorised constructions. The authorities after giving reasonable opportunity of hearing, and also considering the petitioners' objection, passed an order under Section 217-J(1) of the Act.

7. The 1st respondent, Revisional authority, also after considering the entire materials available on record, and after conducting a proper enquiry, had confirmed the order passed by the 2nd respondent/Commissioner.

8. I have also considered the materials and also the submissions made by the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the 1st respondent/State and learned counsel appearing for the 2nd respondent/Commissioner. On a careful perusal of the entire materials, I find no reason to interfere with the concurrent findings of both the authorities, and I find no merit in these Civil Revision Petitions.

9. Learned counsel appearing for the petitioners would submit that, the petitioners are poor people, and they have put up residential buildings and residing therein. They further submitted that some of the persons have filed applications under Section 217-Q of the Act before the Government seeking for exemption and also for relaxation. Those applications are pending for consideration before the 1st respondent/Government. Hence, the 1st respondent/Government may be directed to



consider their applications and pass suitable orders.

10. According to the counsel, some of the persons are yet to file their applications, and they will also file the applications within the time fixed by the Court. On filing of such applications, the Government may be directed to consider the same.

11. Considering the above circumstances, the petitioners are permitted to file fresh applications irrespective of the fact that, whether they have already filed the applications seeking for exemption under Section 217-Q of the Act. On filing of such applications, the 1st respondent Government is directed to consider the applications and pass suitable orders on merits and in accordance with law. The petitioners are directed to submit the applications within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the 1st respondent Government is directed to consider the petitioners' applications, and pass suitable orders within a period of twelve weeks after giving reasonable opportunity to the petitioners. Till orders are passed by the 1st respondent on the applications, the 2nd respondent/Commissioner is directed not to take any coercive steps for demolition.

12. With the above direction, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

28.08.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

VS

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