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CRP.No.2878 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2878 of 2019 and
CMP.No.18757 of 2019

V.Govindaraj

... petitioner

Vs.

1.Government of Tamilnadu,
Represented by its Secretary,
Municipal Administration and Water,
Supply(MA1) Department,
Secretariat, Chennai 600 009
2.Member Secretary / Commissioner,
Udhagamandalam Municipality,
Udhagamandalam Local Planning
Authority, Udhagamandalam,
The Nilgris

... Respondents

PRAYER: Civil Revision Petition filed under Section 217-L of the Tamilnadu District Municipalities Act, Act V of 1920 as amended by Tamil Nadu Act VIII of 1992 to set aside the proceedings issued in Letter(P) No.515/M.A.1/2018 dated 26.12.2018 served on 07.03.2019 on the file of the Principal Secretary to Government, Municipal Administration and Water Supply (M.A.1) Department, Secretariat, Chennai 600 009, the first respondent herein confirming the order of the Member Secretary/Commissioner, Udhagamandalam Municipality, Udhagamandalam Local Planning Authority, Udhagamandalam in B.L.No.189/2014/F1 dated 15.04.2016

For Petitioner : Mr.N.Damodaran



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For Respondents

For R1 : Mr.C.Sathish,
Government Advocate

For R2 : Mr.P.Srinivas

ORDER

This civil revision petition is filed as against the proceedings issued in Letter(P) No.515/M.A.1/2018 dated 26.12.2018 served on 07.03.2019 on the file of the Principal Secretary to Government, Municipal Administration and Water Supply (M.A.1) Department, Secretariat, Chennai 600 009, the first respondent herein confirming the order of the Member Secretary/Commissioner, Udhagamandalam Municipality, Udhagamandalam Local Planning Authority, Udhagamandalam in B.L.No.189/2014/F1 dated 15.04.2016, the second respondent herein.

2. Heard, Mr.N.Damodaran, the learned counsel for the petitioner, Mr.C.Sathish, the learned Government Advocate appearing for the first respondent and Mr.P.Srinivas, the learned counsel for the second respondent.

3. It is seen that this Court already dismissed a similar civil revision petition in CRP.NPD.No.4725 of 2015 on 06.01.2021 confirming the order



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passed by the first respondent herein. The relevant portion of the said order is

extracted hereunder:

“4. On perusal of the order passed by the 2nd respondent, it could be seen that, there is not only a deviation, but also there are unauthorised constructions. The authorities after giving reasonable opportunity of hearing, and also considering the petitioners objections, passed an order under Sec.217~J(1) of the Act. The 1st respondent, Revisional authority, also after considering entire materials available on record, and after conducting proper enquiry, had confirmed the order passed by the 2nd respondent. I have also considered the materials, and also submissions made by the learned counsel appearing for petitioner, as well as learned Government Advocate appearing for 1st respondent and learned counsel appearing for 2nd respondent. On a careful perusal of entire materials, I find no reason to interfere with the concurrent finding of both authorities, and I find no merit in these Civil Revision Petitions.

5. Mr. N. Damodaran, learned counsel appearing for petitioner would submit that, the petitioner is a poor people, and he has put up a residential building and residing therein. Now, some of the petitioners have filed an application under Sec.217~Q of the Act before the Government seeking for exemption, and also relaxation. Those applications are



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pending for consideration before the 1st respondent Government. Hence, the 1st respondent may be directed to consider their applications and pass suitable orders. According to the counsel, some of the petitioners yet to file their applications, and they will also file the applications within a time fixed by the Court. On filing such applications, the Government may be directed to consider the same.

6.Considering the above circumstances, the petitioner is permitted to file fresh application irrespective of the fact that, whether he has already filed application seeking for exemption under Sec.217~Q of the Act, and on filing such application, the 1st respondent Government is directed to consider the application, and pass suitable order on merits in accordance with law. The petitioner is directed to submit his application within a period of two weeks from the date of receipt of copy of this order. Thereafter, the 1st respondent Government is directed to consider the application, and pass suitable orders within a period of twelve weeks after giving the reasonable opportunity to the petitioner. Till the orders being passed by the 1st respondent, the 2nd respondent is directed not to take any coercive steps for demolition.

7.With the above direction, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.”



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4. Therefore, in view of the order passed in CRP.NPD.No.4725 of 2015 on 06.01.2021, this civil revision petition is also dismissed. However, the petitioner is permitted to file fresh application irrespective of the fact that, whether he has already filed application seeking for exemption under Section 217-Q of Tamilnadu District Municipalities Act, and on filing such application, the 1st respondent Government is directed to consider the application, and pass suitable order on merits in accordance with law. The petitioner is directed to submit his application within a period of two weeks from the date of receipt of copy of this order. Thereafter, the 1st respondent Government is directed to consider the application, and pass suitable orders within a period of twelve weeks after giving reasonable opportunity to the petitioner. Till the orders being passed by the 1st respondent, the second respondent is directed not to take any coercive steps for demolition. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.01.2023

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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G.K.ILANTHIRAIYAN, J.

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To

- 1.Secretary,
Government of Tamilnadu,
Municipal Administration and Water,
Supply(MA1) Department,
Secretariat, Chennai 600 009
- 2.Member Secretary / Commissioner,
Udhagamandalam Municipality,
Udhagamandalam Local Planning
Authority, Udhagamandalam,
The Nilgris
- 3.The Public Prosecutor,
High Court of Madras

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