



C.R.P.(MD).No.2191 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.2191 of 2017

and

C.M.P(MD) No.10767 of 2017

D.Prabhu

... Revision Petitioner/Petitioner

-vs-

1. The State of Tamil Nadu
Represented by the Principal Secretary,
Department of Municipal Administration
and Water Supply,
Fort St.George,
Chennai – 600 009.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Member Secretary/Commissioner,
Kodaikanal Municipality and
Kodaikanal Local Planning Authority,
Kodaikanal,
Dindigul District.

... Respondents/Respondents



C.R.P.(MD).No.2191 of 2017

WEB COPY

PRAYER: Civil Revision Petition is filed under Section 217-L of the Tamil Nadu District Municipalities Act, r/w Article 227 of the Constitution of India, against the order dated 03.08.2017, received on 20.09.2017, passed by the first respondent in the Government Order passed in R.O.C.No.104/2013/F1, dated 03.06.2015 on the file of the third respondent.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R1 and R2
: Mr.T.S.Mohamed Mohideen
Standing Counsel- for R2

ORDER

The present Civil Revision Petition has been filed by the petitioner under Section 217-L of the Tamil Nadu District Municipalities Act, r/w Article 227 of the Constitution of India, against the order dated 03.08.2017, received on 20.09.2017, passed by the first respondent in the Government Order passed in R.O.C.No.104/2013/F1, dated 03.06.2015 on the file of the third respondent.



C.R.P.(MD).No.2191 of 2017

WEB COPY

2. The petitioner has filed the revision petition aggrieved with the order of the third respondent. The impugned order has been passed denying the regularisation of unauthorised construction put up by the petitioner.

3. The learned Standing Counsel appearing for the third respondent would submit that the issue in this case, is covered by the order of the Hon'ble Division Bench of this Court in W.P(MD) Nos.8630 and 5135 of 2017, W.P(MD) Nos.15379 of 2017, 914 of 2018 and 26670 of 2019. Therefore, he would submit that the civil revision petition is liable to be dismissed.

4. The learned counsel for the petitioner would fairly concede the submission of the learned Standing Counsel, and submitted before this Court that after passing the impugned order, the new master plan came into existence from the year 2019. Therefore, the learned counsel for the petitioner seeks for a liberty to again file an application for regularisation under the new master plan. This Court is of the view that there is nothing wrong to give such liberty to the petitioner in the advent of the new master plan.



C.R.P.(MD).No.2191 of 2017

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5. Thus, this Civil Revision Petition is dismissed. However, the petitioner is given liberty to submit a fresh application under the new master plan of the year 2019. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

10.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Secretary,
Department of Municipal Administration
and Water Supply, Fort St.George,
Chennai – 600 009.
2. The District Collector,
Dindigul District,
Dindigul.
3. The Member Secretary/Commissioner,
Kodaikanal Municipality and
Kodaikanal Local Planning Authority,
Kodaikanal,
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C.R.P.(MD).No.2191 of 2017

C.KUMARAPPAN,J.

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C.R.P(PD)(MD)No.2191 of 2017

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