



WEB COPY



WP.No.230/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.230/2024 & WMP.No.278/2024

Leela

... Petitioner

Vs.

1.The Director of Municipal Administration
No.73, Santhome High Road, MRC Nagar
RA Puram, Chennai 600 028.

2.The Commissioner
Kancheepuram City Municipal Corporation
Annai Indira Gandhi Salai
Nellukara Street,
Kanchipuram 631 502.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent not to proceed with the demolition notice No.2/K.Ma/2023 dated 17.11.2023 until the disposal of the appeal dated 15.12.2023 preferred by the petitioner before the 1st respondent.



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For Petitioner : Ms.L.Parvin Banu for
Mr.K.C.Karl Marx
For Respondents : Mrs.S.Anitha, Spl.Govt.Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present writ petition has been filed seeking for issuance of a writ of mandamus directing the 2nd respondent not to proceed with the Demolition Notice dated 17.11.2023 till the disposal of the statutory appeal dated 15.12.2023 preferred by the petitioner before the 1st respondent.
- (2)Mrs.S.Anitha, learned Special Government Pleader accepts notice on behalf of the respondents.
- (3)The case of the petitioner is that the 2nd respondent has passed the impugned order dated 17.11.2023 directing the petitioner to restore the building to its original condition by demolishing the unauthorised construction as the petitioner has indulged in construction of 2nd floor without planning permission or without obtaining regularization. As against this communication, the petitioner has preferred an appeal before



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the Director of Municipal Administration in terms of Section 133 of the Tamil Nadu Urban Local Bodies Act, 1998 [as amended]. The petitioner has also filed another application for regularization of the building in terms of Section 135[ii] of the said Act simultaneously.

(4) In the factual circumstances, this Court is inclined to dispose of the writ petition in the following lines:-

(a) The petitioner's application for regularization shall be considered by the 2nd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

*(b) Depending upon the final order that may be passed in the regularization application, the Director of Municipal Administration / 1st respondent herein, may also dispose of the statutory appeal dated 15.12.2023 preferred by the petitioner within a period of six weeks from the date of receipt of a copy of the order on the application for regularization submitted by the petitioner. **Till such time the appeal is disposed of by the 1st respondent in terms of this order, the respondents are directed to maintain status quo.***



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(5)The writ petition stands **disposed of accordingly.** No costs.

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Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
09.01.2024

AP

Internet : Yes

To

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N.SENTHILKUMAR, J.,

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