



WEB COPY

CRP.No.2797 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2797 of 2021
and
C.M.P.Nos.20286 of 2021

Rama Padmanabhan

...Petitioner

Vs.

The Commissioner,
Municipality, Udhagamandalam

...Respondent

Prayer: Civil Revision Petition filed under Section 217-L of the Tamil Nadu District Municipalities Act, 1920, against the order passed in proceedings in letter (P) No.459, NANI 1/2019 dt. 21.11.2019 on the file of the Principal Secretary, Municipality Administration and Water Supply, NANI-1 Dept., in the review petition filed by the petitioner against the order passed by the respondent in VAC No.44 of 2008/S dated 30.01.2009.

For Petitioner : Mr.K.Sukumaran

For Respondent : Mr.P.Srinivas

ORDER

Challenge in this revision is to the order of the Government made under Section 217-L of the Tamil Nadu District Municipalities Act. In some



cases, this Court had permitted the petitioners to approach the Government seeking exemption under Section 217-Q of the Act. While doing so, this

Court has observed as follows:-

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



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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.

2.I do not find any reason to differ from the views expressed in the said order in CRP.No.203 etc., batch of 2016. In view of the same, this Civil Revision Petition is **disposed of** with the same direction, permitting the petitioner to approach the Government under Section 217-Q of the Act for seeking exemption. Till such time the exemption application is disposed of, status-quo on the ground shall be maintained. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

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Internet: Yes

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Neutral Citation : No

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R.SUBRAMANIAN, J.

KKN

To:-

- 1.The Secretary,
Government of Tamil Nadu,
Municipal Administration and
Water Supply (NANI-1) Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam, The Nilgris.

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