



W.P.No.6936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.6936 of 2024

and

W.M.P.No.7733 of 2024

1.J.Dharmasagaran

2.D.Santhakumari

... Petitioners

Vs.

1.Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Commissioner,
Kancheepuram Corporation,
Kancheepuram.

3.K.R.Thiyagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the



W.P.No.6936 of 2024

petitioner's appeal dated 06.02.2024 and to regularise the petitioner's building situated at No.57B, Karikkinilamaranthaval Koil Street, Chinna Kancheepuram, Kancheepuram District, by invoking Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998, within the time that may be fixed by this Court.

For Petitioner : Mr.M.Gnanasekar
For R1 : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's appeal dated 06.02.2024 and to regularise the petitioner's building situated at No.57B, Karikkinilamaranthaval Koil Street, Chinna Kancheepuram, Kancheepuram District, by invoking Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998, within the time that may be fixed by this Court.



W.P.No.6936 of 2024

2.The petitioner has preferred a statutory appeal before the 1st respondent challenging the order dated 21.12.2023 passed by the Commissioner, Kancheepuram Corporation. A prayer is also made for further direction to the 2nd respondent to regularise the building under Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998. The grievance of the petitioner is that the statutory appeal preferred before the 1st respondent is not yet disposed of and that the 2nd respondent has issued Form-2 Notice for inspection, dated 16.02.2024.

3.Learned counsel for the petitioner submits that the 2nd respondent may be restrained from enforcing the demolition notice till such time the appeal filed by the petitioner is considered and disposed of on merits.

4.Having regard to the limited scope of the prayer now made by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the petitioner's case, the 1st respondent is directed to consider and dispose of the appeal filed by the petitioner, dated 06.02.2024. on merits and in accordance with law, within a period of 16 weeks from the



W.P.No.6936 of 2024

date of receipt of a copy of this order, and communicate the decision to the petitioner. The private respondent may also be heard by the 1st respondent when the appeal is disposed of on merits. Till such time the 1st respondent disposes of the appeal on merits, the 2nd respondent shall not take any coercive steps.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
19.03.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To



W.P.No.6936 of 2024

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S.S. SUNDAR, J.
and



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W.P.No.6936 of 2024

N. SENTHILKUMAR, J.

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W.P.No.6936 of 2024

19.03.2024