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CRP.No.2584 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRP.No.2584 of 2022
and CMP.No.13284 of 2022

M.L.Anthonisamy (died)

A.Babu

... Petitioner

Vs.

1.Government of Tamilnadu,
represented by its Secretary,
Municipal Administration and
Water Supply (M.A.1) Department,
Secretariat, Chennai-600 009.

2.Member Secretary/Commissioner,
Udhagamandalam Municipality,
Udhagamandalam Local Planning
Authority, Udhagamandalam,
The Nilgiris.

... Respondents

(Cause title accepted vide Court order dated 21.07.2022 made in
CMP.No.11844 of 2022 in CRP.SR.No.35330 of 2019 by RNMJ)

Prayer: This Civil Revision Petition is filed under Section 217-L of the Tamilnadu District Municipalities Act, Act V of 1920 as amended by Tamilnadu Act VIII of 1992 read with section 115 of CPC, against Letter (P) No.516/M.A.1/2018, dated 26.12.2018 and received on 20.02.2019 on the file of the Principal Secretary to Government, Municipal Administration and Water Supply (MA.1) Department, Secretariat, Chennai-600 009, the first respondent herein in confirming the order passed by the Commissioner, Udhagamandalam Municipality, at Udhagamandalam passed in U.A.C.No.21/1996/N dated 30.01.2009 the second respondent herein.



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For Petitioner : Mr.M.Sudharsan
for Mr.N.Damodaran
For R1 : Mr.C.Sathish
Government Advocate
For R2 : Mr.P.Srinivas
Senior Counsel.

ORDER

This Civil Revision Petition has been filed by the petitioner challenging the order passed by the first respondent in Letter (P) No.516/M.A.1/2018, dated 26.12.2018 by confirming the order of the second respondent in U.A.C.No.21/1996/N dated 30.01.2009.

2. When the matter was taken up today for hearing, learned counsel for both side present and the learned counsel for the petitioner drew the attention of this Court that in similar cases, wherein this Court had directed the petitioner to approach the Government seeking exemption under section 217-Q of the Act. While being so, this Court in CRP.No.2517 of 2021 by an order dated 09.01.2024, 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



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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 Ist respondent/Government. Hence, the Ist 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 Ist respondent Government is directed to consider the applications and pass suitable orders on merits and in accordance with law. The petitioners are directed to submit the applications within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Ist 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 Ist respondent on the applications, the 2nd respondent/Commissioner is directed not to take any coercive steps for demolition."

3. In the case on hand also, the petitioner has challenged the order passed by the first respondent. Since this Court already permitted the petitioner in other cases to approach the Government seeking exemption



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under section 217-Q of the Act, the same permission also granted to this petitioner.

P.DHANABAL,J.,

mpa

4. In view of the above said discussions, 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 the exemption application is disposed of, status-quo on the ground shall be maintained. No costs. Consequently, connected M.P is closed.

03.04.2024

mpa

Index : Yes / No

Speaking Order: Yes / No

Neutral Citation Case : Yes/No

To

- 1.The Secretary,
Municipal Administration and
Water Supply (M.A.1) Department,
Secretariat, Chennai-600 009.
- 2.Member Secretary/Commissioner,
Udhagamandalam Municipality,
Udhagamandalam Local Planning
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