



WEB COPY

CRP.No.2517 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2517 of 2021
and
C.M.P.Nos.18900 of 2021

A.S.Sivaji

...Petitioner

Vs.

1.Government of Tamil Nadu,
represented by its Secretary,
Municipal Administration and
Water Supply (M.A.1) Department,
Secretariat, Chennai - 600009.

2.The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam, The Nilgris.

...Respondents

Prayer: Civil Revision Petition filed under Section 217-L of the Tamil Nadu District Municipalities Act, Act V of 1920 as amended by Tamil Nadu Act VIII of 1992, against the letter in Letter (P) No.324/M.A.1/2019, dated 19.08.2019 and served on 10.09.2018 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, Udhagamandalam passed in U.A.C.No.06/2001/N dated 06.03.2010.



For Petitioner : Mr.N.Damodaran

For Respondents : Mr.P.Srinivas for R2

Mr.V.Jeevagiridharan

Additional Government Pleader for R1

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 similar 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 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



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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

Index:No

Speaking

Nuetral Citation :No



To:-

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



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R.SUBRAMANIAN, J.

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