

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.12359/2008 & MP.No.2/2008

1.Devi Khemchand
2.Ramesh Khemchand
3.Murli Khemchand
4.Hari Khemchand

.. Petitioners

Versus

1.The District Collector
Nilgiri District.

2.The Commissioner
Ooty Municipality, Ooty
Nilgiri District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from in any manner disturbing the peaceful possession and usage fo the petitioners property including demolition of the superstructures, bearing

Door Nos.251/1, 251/1A, 251/2 and 251/2A corresponding to Assessment Nos.685, 689, 690 and 686 respectively of Udhagamandalam Municipality, comprised in Survey No.4813/1A1 corresponding to RS.No.A/10/29 of Ooty Town and situated at Segur Road.

For Petitioners : Mr.V.Rajesh

For R1 : Mr.A.N.Thambidurai, Spl.GP

For R2 : Mr.S.Kadarkarai

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioners, apprehending demolition of the superstructures bearing Door Nos.251/1, 251/1A, 251/2 and 251/2A corresponding to Assessment Nos.685, 689, 690 and 686 respectively of Udhagamandalam Municipality [Ooty], comprised in Survey No.4813/1A1, came forward to file the present writ petition and the said writ petition was entertained on 27.05.2008.

2 When the matter was listed on 09.08.2017, this Court directed the 2nd respondent to file a Status Report and accordingly, in compliance of the same, the 2nd respondent has filed the Status Report dated 01.09.2017 along with photographs.

3 It is relevant to extract paragraphs No.6 to 8 of the said Status Report, which reads thus:-

“6 The respondent submits that the entire construction put up in RS.No.4813/1A1 corresponding to new number [RS.No.A/10/29] which includes ground floor as well as first floor is illegal and totally unauthorized. In view of the general directions given by this Hon'ble Court proceedings for removal of unauthorized construction was initiated and the same has not been completed. The building in question is constructed contrary to the Building Rules and the violation are specially mentioned in the Annexure-I appended to this report.

7 This Respondent submits that the petitioners have not taken any steps till this day for submitting any application for planning permission. This Respondent submits that the above writ petition is liable to be dismissed, since the petitioner has not taken any tangible steps to comply with the provisions of the Act for getting proper planning permission.

8 *It is relevant to state that in respect of the petitioner illegal and unauthorized construction in the above mentioned site, this respondent earlier filed a Criminal Case in STC.No.1843/2000 before the Hon'ble Judicial Magistrate, Udhagamandalam and the petitioners were convicted by an order dated 27.05.2000 and fine was imposed.”*

4 The learned counsel for the petitioners, on instructions, seeks the permission of this Court to withdraw this writ petition. He has also made an endorsement in the petition to that effect.

5 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1st respondent and Mr.S.Kadarkarai, learned Standing counsel appearing for the 2nd respondent.

6 In the light of the endorsement made by the learned counsel for the petitioners, this writ petition is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is also dismissed.

7 In the light of the Status Report dated 01.09.2017, the 2nd respondent shall take steps in accordance with law and file a Compliance Report in terms of the said Status Report dated 01.09.2017, on 25.10.2017.

8 Call on 25.10.2017 for reporting compliance.

[M.S.N., J.] [N.S.S., J.]
05.09.2017

Internet : Yes

NOTE: Issue order copy on 12.09.2017.

AP

To

1. The District Collector
Nilgiri District.

2. The Commissioner
Ooty Municipality, Ooty.
Nilgiri District.



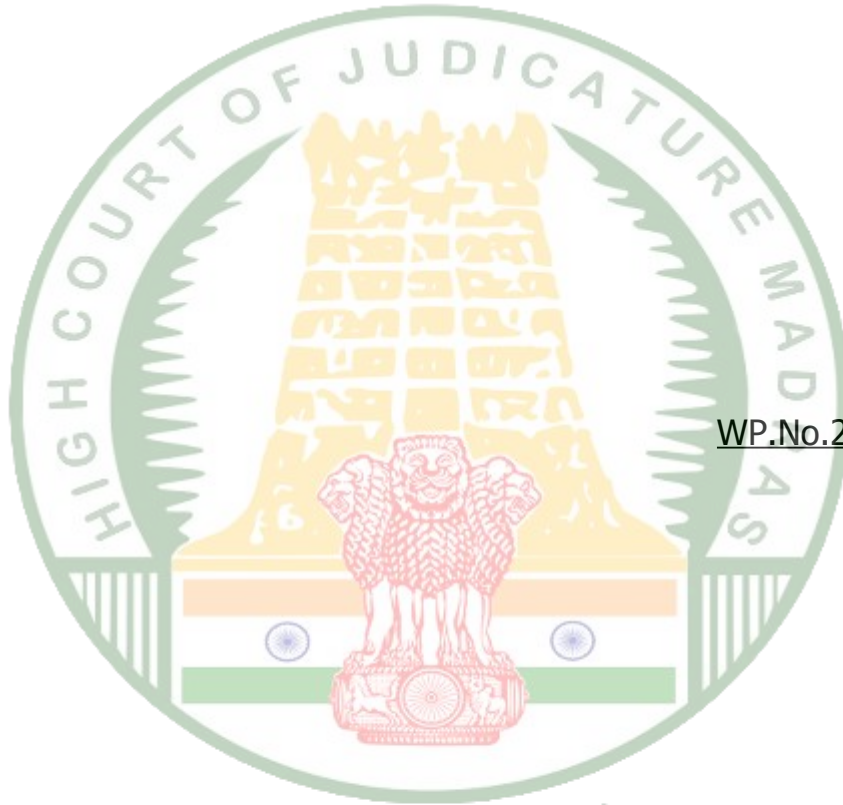
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M.SATHYANARAYANAN, J.

AND

N.SESHASAYEE, J.

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