





2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. This writ petition has been filed for a Writ of Certiorari to quash the order passed by the 4<sup>th</sup> respondent dated 25.04.2013 in and by which, the 4<sup>th</sup> respondent has stated that the petitioner cannot put up construction in the property, as it is a Government poramboke Natham land.

4. The petitioner's case is that the 4<sup>th</sup> respondent has not considered the fact that it is a wrong classification and relied upon a judgment in O.S.No.60/1998 by the District Munsif cum Judicial Magistrate, Kodaikanal dated 07.12.2005.

5. On a perusal of the impugned proceedings, we find that the fourth respondent has passed the same without affording an opportunity to the petitioner and this is so because a rival party had filed a public interest litigation before this Court in W.P. (MD) No.3907/2013, in which, the constituent school of the petitioner herein was impleaded as the 5<sup>th</sup> respondent. The said petitioner sought for issuance of a writ of mandamus to forbear the petitioner school therein from in any manner put up constructions in the property in question without obtaining license as contemplated under Section 217(B) of the District Municipalities Act, 1920 and without leaving a safe distance of 15 feet from the School situated in the very same Survey number. The writ petition was disposed of at the admission stage without notice to the petitioner herein by directing the 2<sup>nd</sup> respondent, namely, the Town Planning Officer, Kodaikanal Municipality, to consider the representation of the said writ petitioner. Pursuant to which, the impugned order has been passed.

6. Before passing the impugned order, the 4<sup>th</sup> respondent ought to have put the petitioner on notice, as the petitioner states that he has valid documents to show that the classification of the land in the revenue records is incorrect and there is also a finding to the effect in the judgment of the civil Court.

7. In the light of the above, we are not inclined to set aside the impugned order, at this juncture and it would suffice to direct the petitioner to treat the impugned proceedings as a show cause notice and submit his objections duly supported by documents within two weeks from the date of receipt of a copy of this order. On receipt of such objections, the 4<sup>th</sup> respondent is directed to issue notice to the petitioner and 6<sup>th</sup> respondent, examine the documents produced by the petitioner and after hearing the parties, pass a reasoned order on merits and in accordance with law. The direction be complied with within a period of three weeks from the date on which, the objections were received by the 4<sup>th</sup> respondent.



With the above observation and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector  
Dindigul District, Dindigul
2. The Revenue Divisional Officer,  
Kodaikanal, Dindigul District
3. The Tahsildar,  
Kodaikanal, Dindigul District
4. The Commissioner  
Kodaikanal Municipality,  
Kodaikanal, Dindigul District
5. The Member Secretary  
Dindigul Town and Country Planning Office,  
Dindigul Local planning Authority,  
Dindigul.

+1cc to M/S.J.SIVARAM, Advocate SR.No.54890

+1cc to Special Government Pleader, SR.No.55467

ORDER MADE IN  
W.P (MD) No.8598 of 2017  
and W.M.P.Nos.6520 and 6521 of 2017  
28.04.2017

JM/MR/SAR 4/04.05.2017/3P/8C