

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.31067 of 2018 and
W.M.P.No.36248 of 2018

Hill Country Hotels and Resorts India Ltd.,
rep by its Managing Director George Koshy
Registered Office at
No.22/9, Jaganathan Road,
Nungambakkam,
Chennai - 600 034. ...Petitioner

Vs.

- 1.The Hill Area Conservation Authority,
rep by its Chairman cum Secretary to
Government of Tamil Nadu, Housing
and Urban Development Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
- 3.The Deputy Director,
Town and Country Planning,
Coimbatore Division, सत्यमेव जयते
Dr.Najappa Salai,
Coimbatore - 641 018.
- 4.The District Collector,
Nilgiris District,
Udagamandalam.
- 5.The Commissioner,
Ooty Municipality,
Ooty, Nilgiris District.

6.The Town Planning Officer,
Ooty Municipality, Ooty,
Nilgiris District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents more particularly the 5th respondent from in any manner interfering with the petitioner's peaceful possession and running of the business in the building comprised in R.S.No.4921/4927 & 4929 at Grand Duff Road, Valley View, Lovedale, Ooty pending the process of the petitioner's revised online building plan application on the file of the 1st respondent and in the light of the order dated 26.04.2005 made in W.P.No.13853 of 2005.

For Petitioner : Ms.R.Gouri

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate (R1 to R4)
Mr.P.Srinivas (R5)
R6 - not ready in notice

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents more particularly the 5th respondent from in any manner interfering with the petitioner's peaceful possession and running of the business in the building comprised in R.S.No.4921/4927 & 4929 at Grand Duff Road, Valley View, Lovedale, Ooty pending the process of the petitioner's revised online building plan application on the file of the 1st respondent and in the light of the order dated 26.04.2005 made in W.P.No.13853 of 2005.

2.It is the case of the petitioner that the 5th respondent along with their officials came to the petitioner's property on 19.11.2018 and also on 20.11.2018 and directed them to produce the sanctioned building plan for continuing the business activity at the building or otherwise they would seal the premises. According to the petitioner, even without issuing any show cause notice, the 5th respondent is contemplating action against the petitioner's property. In these circumstances, the petitioner has filed the Writ Petition.

3.Though the petitioner has contended that they obtained the planning permission from the Competent Authority, they are duty bound to produce the same as and when the authorities demand the same.

4.The learned counsel for the petitioner submitted that the petitioner had submitted the revised plan to the Town and Country Planning Authorities, Coimbatore Division. However, the authority has not passed any order so far.

5.Since the 5th respondent has called upon the petitioner to produce the sanctioned building plan, the said action cannot be prevented by issuing a Writ of Mandamus. It is needless to say that the 5th respondent should act in accordance with law for taking action against the petitioner's building.

6.In these circumstances, we are not inclined to entertain the Writ Petition and the same is dismissed. No costs. consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman cum Secretary,
Hill Area Conservation Authority,
Government of Tamil Nadu, Housing
and Urban Development Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Town and Country Planning,
No.807, Anna Salai, Chennai - 600 002.

3.The Deputy Director,
Town and Country Planning,
Coimbatore Division,
Dr.Najappa Salai,
Coimbatore - 641 018.

4.The District Collector,
Nilgiris District,
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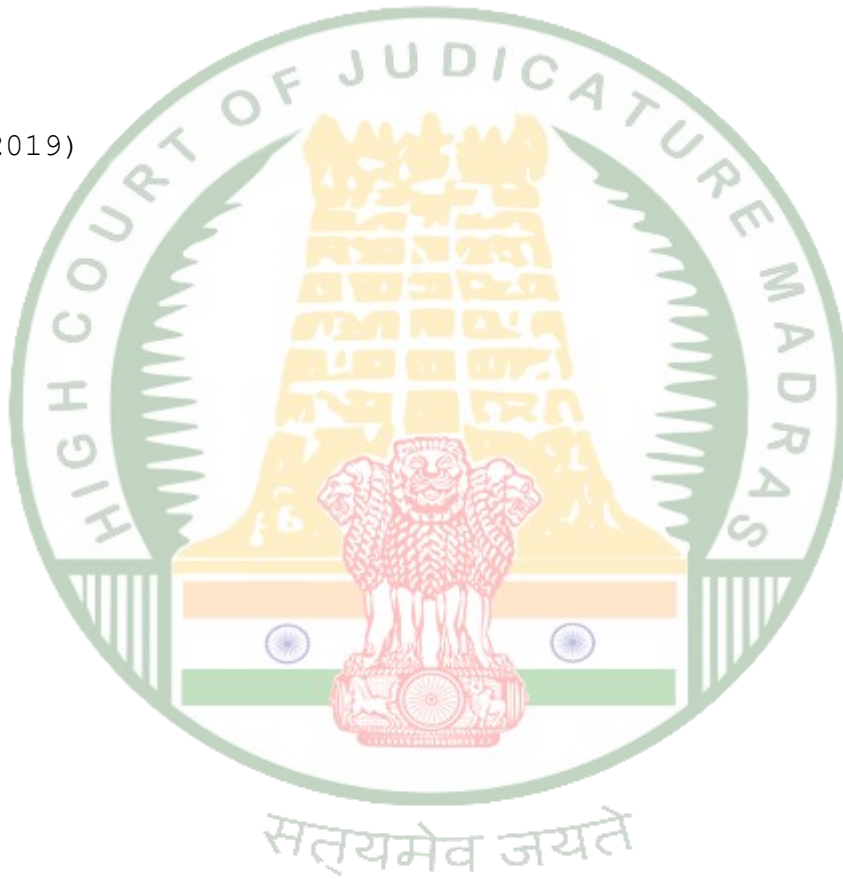
5.The Commissioner,
Ooty Municipality,
Ooty, Nilgiris District.

6.The Town Planning Officer,
Ooty Municipality, Ooty,
Nilgiris District.

+1 CC to Ms.R.Gouri, Advocate sr 84821.
+1 CC to Mr.P.Srinivas, advocate sr 55988.

W.P. No.31067 of 2018 and
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SR(CO)
SP(02/01/2019)



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