

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.14502 of 2019
and W.M.P.Nos.14512 and 14513 of 2019

K.Lakkay Gowder Trust,
Rep by its Managing Trustee,
Mr. Bala Lingiah,
119 Machrust Club Road,
Udagamandalam, Nilgiris- 643001. Petitioner

Vs.

- 1.The Collector/ The chairman,
Building Plan Approval Committee,
Nilgiris District,
- 2.The Commissioner,
Udhagamandalam Municipality,
The Nilgiris. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance a Writ of Mandamus direct the 2nd Respondent to De-seal the hotel premises Named Yummy Restaurant at 119 Machrust Club Road Udagamandalam Nilgiris- 643001 till such time the decision is taken by the 1st respondent on the petitioner's Revised Plan Approval Application vide Online application No. 20190101011412 dated 3-5-2019.

For Petitioner : Mr.S.Marshall

For Respondents : Mr.J.Ramesh
Additional Government Pleader

O R D E R

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The writ petition has been filed in the nature of a mandamus to de-seal the hotel premises Yummy Restaurant, No.119, Machrust Club Road, Udagamandalam, Nilgiris- 643001.

2. The facts leading to the institution of the writ petition is that the second respondent viz., Udhagamandalam Municipality had issued a show cause notice on 25.04.2019. The petitioner herein was granted 15 days time to reply to the said show cause notice. By normal mathematical calculation, the said period of 15 days would expire on or around 10.05.2019. However, on 03.05.2019 itself, the premises was sealed by the said Municipality, who was shown as second respondent herein.

3. Prima facie, we find that appropriate opportunity was denied to the writ petitioner. Without going into the merits as to the requirement for sealing the property of the petitioner, we set aside the impugned order and give a direction to the respondents to de-seal the premises, with a further direction to the second respondent to issue a fresh show cause notice in accordance with the rules and to proceed further strictly in accordance with the rules thereof. The second respondent has to de-seal the premises within a period of three working days from the date of receipt of a copy of this order and thereafter, issue fresh show cause notice, within a further period of three working days from that date.

With the said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

nsd / kst

Sd/-

Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

To

1.The Collector/ The chairman,
Building Plan Approval Committee,
Nilgiris District.

2.The Commissioner,
Udhagamandalam Municipality,
The Nilgiris.

+3ccs to Mr.S.Marshall, Advocate, SR.No.43984

+1cc to the Govt.Pleader, Vide Sr.No.44124

W.P.No.14502 of 2019

Kak(28/05/2019)