

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.26663 of 2019

and

W.M.P.No.26053 of 2019

Col. Joseph Philip,
The Prop. The Great Escape Hotel,
Door No.2/11D, and New Door No.5,
Wellington Greens, Bharath Nagar,
Bandhumani Kalavai,
Bettatti Post,
Coonoor, The Nilgiris. ... Petitioner

/versus/

1. The Additional Director,
Town and Planning and Panchayat,
Ooty District,
Collector's Office,
Uthagamandalam 643 001,
The Nilgiris District.

2. The District Collector,
The Nilgiris District.

3. The Executive Officer,
Jagathala Town Panchayat,
Aruvankadu,
The Nilgiris District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass orders on the petitioner's application dated 28.11.2018 which was given through the 3rd respondent and grant permission for conversion into guest house bearing Door No.2/118D and New Door No.5, S.No.737/1A, Wellington Greens, Bharath Nagar, Bandhumani kalavai, Bettatti Post, Coonoor, The Nilgiris.

For Petitioners : Mr. S. Venkatesh

For Respondents : Mr. K. Ravikumar, AGP

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 1st respondent to pass orders on the petitioner's application dated 28.11.2018, which was given through the 3rd respondent and grant permission for conversion into guest house bearing Door No.2/118D and New Door No.5, S.No.737/1A, Wellington Greens, Bharath Nagar, Bandhumani kalavai, Bettatti Post, Coonoor, The Nilgiris.

2.Heard Mr.S.Venkatesh, learned counsel appearing for the petitioner and Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents.

3.The petitioner herein, after obtaining planning permission for construction of a residential building from the third respondent in the year 2014, has converted the residential building into commercial building and he is running a Hotel by name "The Great Escape", pending disposal of his application for conversion of the building as Guest house.

4.According to the petitioner, the application was given to the third respondent in the year 2018 and the same is still under consideration of the third respondent. While so, the third respondent has caused notice to the petitioner to close the Hotel-cum-Guest House. Hence, he has approached this Court seeking issuance of Writ of Mandamus directing the first respondent to pass orders on the petitioner's application dated 28.11.2018 forwarded through the third respondent and grant permission for conversion of the residential premises into commercial building.

5.On notice, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner, without proper application has converted the residential building into the commercial building. Hence, notice has been issued to him on 26.07.2019. As far as the application for conversion is concerned, the petitioner has to get "No Objection Certificate" from the Agriculture Engineering Department, Forest Department and Geology Department. On production of No Objection Certificate from these three Departments, the request of the petitioner will be placed before the Architectural and Aesthetics Aspects Committee (in short "AAA Committee") for clearance whether the conversion of the residential building can be permitted as commercial building.

6.From the response of the respondents, it is made clear that the petitioner has to make application for conversion along with No Objection Certificate issued by the above mentioned three Departments. On such application, the request of the

petitioner will be placed before the AAA Committee for consideration. Without permission for conversion, the petitioner cannot use his residential building for commercial purpose.

7. If the petitioner has not sofar applied for conversion along with No Objection Certificates, he can do so. Any application received from the petitioner for conversion shall be placed before the AAA committee for appropriate orders as expeditiously as possible.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1.The Additional Director,
Town and Planning and Panchayat,
Ooty District,
Collector's Office,
Uthagamandalam 643 001,
The Nilgiris District.

2.The District Collector,
The Nilgiris District.

3.The Executive Officer,
Jagathala Town Panchayat,
Aruvankadu,
The Nilgiris District.

+1 cc to Mr.S.Venkatesh, Advocate, S.R.No.81133

RV(CO)
SSM(16/10/2019).

W.P.No.26663 of 2019

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