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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

W.P.No. 32778 of 2019
and W.M.P.No. 33202 of 2019

Arulmigu Sri Devi Karumariamman and
Sri Maha Prethiyangar Thirukovil Chither Peedam
Ootacamund (Ooty), Nilgris District,
Rep.by Managing Trustee Mr.K.Siva

... Petitioner

-vs-

- 1.The District Collector
O/o District Collectorate,
Nilgris District, Ootacamund (Ooty).
- 2.The Additional District Magistrate/
Revenue Divisional Officer,
Ootacamund (Ooty).
- 3.The Municipal Commissioner,
Ootacamund(Ooty) Municipality,
Hospital Road, Upper Bazar,
Ootacamund (Ooty), Nilgiris District.
- 4.The Village Administrative Officer,
O/o. Village Administrative Office,
Ooty - Thummanatty Road,
Kappachi, Ooty.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent made in Na.Ka.No.AA2/2324/2019, dated 29.10.2019 and quash the same as illegal and arbitrary and consequently direct the respondents to consider the Petitioner representation dated 16.10.2019 within time framed by this Court.

For Petitioner

.. Mr.Manimaran



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For Respondents

.. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1,R2 & R4
Mr.P.Srinivas for R3

ORDER

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

The petitioner has challenged the impugned order which is nothing but a stop work notice restraining it from proceeding further with unauthorized construction pursuant to the earlier decision made by the third respondent and the revenue officials.

2.In view of the aforesaid admitted factual position, we are of the view that the impugned order cannot be challenged. There are two things which are clear viz., the land being a Government land and the construction being unauthorized.

3. The learned counsel appearing for the petitioner submitted that the request made for issuance of patta may be directed to be considered.

4. From the above said submission, we merely direct the first respondent to consider the representation made by the petitioner dated 16.10.2019 and pass orders within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that we have not expressed anything on the validity of the impugned order, which has been correctly passed. We further make it clear that the question of lease in favour of the petitioner can also be considered as the said request has been made in the said representation. However, if any construction is made contrary to the impugned order passed, it is well open to the respondents to proceed further and demolish the further construction.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

1.The District Collector
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Nilgris District,
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4.The Village Administrative Officer,
O/o. Village Administrative Office,
Ooty - Thummanatty Road,
Kappachi, Ooty.

+1cc to Mr.Manimaran , Advocate SR.No. 97482

+1 cc to Government Pleader Sr.No. 98014

+1cc to Mr.P.Srinivas , Advocate SR.No. 97878

W.P.No. 32778 of 2019

pm (CO)
A.SK(06/01/2020)