

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30263 of 2019
and
W.M.P. No. 30248 of 2019

1. Prema Dhatri Rao
2. K. Gopalakrishanan Rao
3. M. Sameera Devi ... Petitioners

-vs-

1. The Collector of Nilgris,
Nilgris District,
Udhagamandalam - 643 001.
2. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam,
Nilgiris District.
3. Mohammed Suhali
4. Nalapad Hotesl and Resorts Pvt. Ltd.,
Woodcock Road,
St. Mary's Hill,
Ooty - 643 001.
... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First and Second Respondents to take appropriate action against the third and fourth respondents for violating the norms prescribed under Primary Vegetative Zone (PVZ1) comprised in S. No. 2737/1A2 corresponding new T.S. No. F15/13 of Udhagamandalam Town situated at Woodcock Road for utilizing the land for commercial purpose and to prohibit the Third and Fourth Respondents from discharging their sewerage and garbage wastage into the Petitioner's land.

For Petitioner : Mr. V. Srinivasa Babu

For Respondents : Mr. G.K. Muthukumar,
Special Government Pleader (for R1)

Mr. P. Srinivas, Standing Counsel
(for R2)

O R D E R

The Writ Petition has been filed for a direction to the First and Second Respondents to take action against the third and fourth respondents for violating the norms prescribed under Primary Vegetative Zone (PVZ1) comprised in S. No. 2737/1A2 corresponding new T.S. No. F15/13 of Udhagamandalam Town situated at Woodcock Road for utilizing the land for commercial purpose and to prohibit the Third and Fourth Respondents from discharging their sewerage and garbage wastage into the land of the Petitioner.

2. In response to the aforesaid claim made by the petitioner, the Second Respondent has filed Counter Affidavit dated 09.02.2020, in which it has been stated as follows:-

"4. It is submitted that the claims of the Writ Petition regarding the discharge of the Drainage and the sewage were inspected under the Tamil Nadu Public Health Act and the Fourth Respondents building was issued with the appropriate notices for abating the nuisance by the discharge of drainage into the adjacent area of the Petitioner.

5. The Fourth Respondent has thereafter applied for the connection to the Underground Drainage system and the connection was effected on 04/12/2019 connection number 068/6089000 after the works for the connecting the Hotel to the UGD system. The connection was effected on 4-12-2019.

6. With regard to the Third Respondent, it is submitted that, on inspection it was found that the Third Respondent was not operating the Service Station in the said place for the past 2 years and the said premises is now kept under lock and key and the land of the Petitioner is not used for the discharge of the drainage from the Third Respondent also. In fact the water supply connection of the Third Respondent was disconnected on 21-2-2019 as the same was not in use and the charges and the taxes were not paid. Subsequently the Third Respondent has applied for the construction of a residential building and the same

was given approval in BL. No. 19/2012/F2 itself. But the construction has not been commenced till date."

3. As necessary action as sought by the petitioner has been taken, nothing remains for further consideration in this Writ Petition.

4. Recording the aforesaid subsequent events, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Collector of Nilgris,
Nilgris District,
Udhagamandalam - 643 001.
2. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam,
Nilgiris District.

+lcc to Mr.V.Srinivasa babu, Advocate, S.R.No.11080

+lcc to Mr.P.Srinivas, Advocate, S.R.No.11264

+lcc to the Government Pleader, High Court Madras S.R.No.11381

सत्यमेव जयते

W.P. No. 30263 of 2019

BR(CO)
KKV/10/06/2020

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