



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

WMP.No.20162 of 2021

IN WP.No.18012 of 2020

JAFFER MOHAMED SAIT MEMORIAL [PETITIONER]
DISPENSARY CHARITY TRUST, REP. BY ITS
MANAGING TRUSTEE, JANAB JAFER MOHAMED
SAIT @ SAAD SAIT, G.H.ROAD, OPPOSITE TO
MUNICIPAL OFFICE, OOTACAMUND,
NILGRIS DISTRICT-643 001.

Vs

1 THE DISTRICT COLLECTOR, [RESPONDENTS]
OOTACAMUND, NILGIRIS DISTRICT.

2 THE COMMISSIONER,
MUNICIPAL OFFICE, OOTACAMUND,
NILGIRIS DISTRICT.

3 ARUMUGAM

4 SEKAR

5 RAMALINGAM

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To extend time for execution of order dated 11.12.2020 passed by this Honourable court in WP.No. 18012 of 2020 with adequate police aid (in WMP.No.20162 of 2021).



Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.SELVAM, Advocate for the petitioner and of MR.T.N.C.KAUSHIK, GOVERNMENT ADVOCATE on behalf of the 1 and 2 Respondents and of MR.K.DORAISAMI, SENIOR ADVOCATE for MR.MUTHUMANI DORAISAMI, Advocate for the 3 to 5 Respondents, the court made the following order:-

This writ miscellaneous petition has been filed by the petitioner seeking extension of time, for execution of the order passed in W.P.No.18012 of 2020 dated 11.12.2020.

2.The petitioner has filed the above writ petition for issuance of writ of mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 5 in Old Survey No.1800 & 1798/1B, New Survey No.B13/110, Door No. 187/E & 187/E1, measuring to an extent of 3 acres, 28 cents situated in Alma House Road, near Sait Hospital, Ootacamund, Nilgiris District.

3.This Court on 11.12.2020 disposed of the writ petition with the following directions:

"4.Though the petitioner prays for a relief of removal of encroachment on the part of the private respondents, this Court is of the considered view that the said relief cannot be granted by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, however, taking into consideration the limited prayer made by the petitioner as to the inspection of the old dilapidated structures and demolition of the same, the Municipal Engineer, Udhamandalam Municipality, after putting the petitioner on notice, shall cause inspection of the buildings in Old Survey No.1800 & 1798/1B, New Survey No.B13/110, Door No. 187/E & 187/E1, measuring to an extent of 3 acres, 28 cents situated in Alma House Road, Ootacamund, Nilgiris District, and if the inspection reveals that the superstructures/buildings are in dilapidated or dangerous condition, shall resort to due process of law and take appropriate steps in accordance with law/provisions of the Tamil Nadu District Municipalities Act, 1920, and the rules framed therein, and shall complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order/date of uploading of this order in the website, and communicate the decision taken to the petitioner."



4.We have heard Mr.M.Selvam, learned counsel for the petitioner; Mr.T.N.C.Kaushik, learned Government Advocate appearing for the respondents 1 and 2 and Mr.K.Doraisami, learned Senior Advocate for Mr.Muthumani Doraisami, appearing for the respondents 3 to 5.

5.It is seen that this is a case of dispute between landlord and tenant. It appears that pursuant to the order passed in the writ petition, inspection was conducted.

5.Since, the order of this Court is very clear, the petitioner has no right to seek extension of time in this petition. Accordingly, this writ miscellaneous petition is dismissed.

-sd/-

27/10/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
OOTACAMUND, NILGIRIS DISTRICT.

2 THE COMMISSIONER,
MUNICIPAL OFFICE, OOTACAMUND,
NILGIRIS DISTRICT.

Order

in

WMP.No.20162 of 2021
IN WP.No.18012 of 2020

Date :27/10/2021

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