



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.26730 OF 2021

M/s.Tourism Resorts Private Limited
Represented by its Authorized Signatory
Mr.Karthik Kishore, having Corporate Office
at Door No.4, Shalom Apartments, No.1
Josier Street, Nungambakkam, Chennai 600 034.

...Petitioner

-Vs-

The Commissioner
Office of the Municipal Commissioner
Udhagamandalam Municipality
Hospital Road, Upper Bazaar
Ooty, Nilgiris - 643 001.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to provide the petitioner company with the certified copies of the proceedings of the Commissioner, Udhagamandalam Municipality in B.A.No.344/91, R.No.255/91 dated 31.12.1991, along with the approved plans as well as supporting documents contained therein.

For Petitioner : Mr.V.Johnson Yuvaraj

For Respondents : Mr.P.Srinivas
Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent herein to provide the petitioner company with the certified copies of the proceedings of the Commissioner, Udhagamandalam Municipality in B.A.No.344/91, R.No.255/91 dated 31.12.1991, along with the approved plans as well as supporting documents contained therein.



2. It is the case of the petitioner that the petitioner, in the year 1991, obtained the plan approval / building approval for the construction that the petitioner had undertaken in the year 1991 in B.A.No.344/91, R.No.255/91 dated 31.12.1991. After 30 years, it is the grievance of the petitioner that, due to shifting of the Corporate Office of the petitioner company, some documents have been missed during the transit, wherein the building plan approval was also one of the documents, which the petitioner had lost and therefore, in order to get the certified copy of the plan approval from the respondent Municipality in the year 1991, the petitioner made a request on 21.09.2021 and since the same has not been considered, he has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Heard Mr.V.Johnson Yuvaraj, learned counsel appearing for the petitioner, who after having reiterated the aforesaid facts, seeks the indulgence of this Court to issue a direction to the respondent to consider the request of the petitioner.

4. Heard Mr.P.Srinivas, learned Standing Counsel appearing for the respondent, who on instructions would submit that, since it is a 30 year old document, after having verified the same, it was found that there has been a ledger being maintained by the Municipality, wherein an endorsement is there to the effect that the petitioner had applied for building plan approval and the same was granted to the petitioner in the aforesaid reference number i.e., B.A.No.344/91, R.No.255/91 dated 31.12.1991. However, a copy of the said plan is not readily available at the office of the respondent Municipality due to efflux of time and therefore, the learned Standing Counsel would submit that, if at all any reply to be given on the request of the petitioner, this information only can be supplied by the respondent Municipality. In this regard, whether the petitioner has made any violation in making any subsequent construction beyond the plan approval already given by way of any recent construction also has to be verified by the respondent Municipality and accordingly suitable action would be taken against the petitioner.

5. Anyhow, insofar as the plea raised by the petitioner to get a certified copy of the building plan approval dated 31.12.1991 through his representation dated 21.09.2021, the same would be considered and necessary communication to that effect as indicated in above lines would be communicated to the petitioner.

6. Having regard to the said submission of the learned counsel appearing for both sides, I am of the view that, a direction can be issued to the respondent to consider the



request of the petitioner dated 21.09.2021 and to decide the same on merits and in accordance with law, where, if the respondent Municipality ultimately finds that the petitioner has got a plan approval dated 31.12.1991 as stated in his representation, a communication to that effect can be given to the petitioner and in this regard, if any latest violation is noticed on the part of the petitioner by the respondent Municipality, suitable action to that effect under the District Municipalities Act can be taken against the petitioner. The needful as indicated above to dispose of the representation of the petitioner dated 21.09.2021 by giving a reply to the petitioner shall be undertaken by the respondent within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

KST

To

The Commissioner
Office of the Municipal Commissioner
Udhagamandalam Municipality
Hospital Road, Upper Bazaar
Ooty, Nilgiris - 643 001.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.66879

+1cc to the Government Pleader, S.R.No.67934

W.P.No.26730 of 2021

SMI (CO)
RLP (07/01/2022)