



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

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THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.4176 of 2021

R.G.Padmanaban

... Petitioner

Vs.

- 1.The Principal Secretary,
State of Tamil Nadu,
St. George Fort, Chennai.
- 2.The Secretary,
Housing & Urban Development Department,
Secretariat,
St. George Fort, Chennai.
- 3.The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, St. George Fort,
Chennai.
- 4.The Director of Town and Country Planning,
Opposite to LIC,
Chengalvarayan Building,
Fourth Floor, No.807,
Anna Salai, Chennai - 600 002.
- 5.The Deputy Director,
Regional Town and Country Planning,
Madurai Region, Madurai.
- 6.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to re-classify the property in Door No.2/69, T.S.No.54/1C, 55, Ward No.C., Block No.4, Shanmugapuram Road, Naidupuram, Kodaikanal from Primary Residential Zone to that of Multi Use Zone in the modified Master Plan for the Kodaikanal Planning Area within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Kannan
For Respondents 1 to 5: Mr.R.Baskaran
Standing Counsel for Government
For Respondent No.6 : Mr.T.S.Mohammed Mohideen
Standing Counsel

**O R D E R**

(Order of the Court was made by T. S. SIVAGNANAM, J.)

Heard Mr.M.Kannan, learned counsel for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.1 to 5 and Mr.T.S.Mohammed Mohideen, learned Standing Counsel for respondent No.6.

2.The petitioner seeks for a direction upon the Respondents to re-classify the property in Door No.2/69, T.S.No.54/1C, 55, Ward No.C., Block No.4, Shanmugapuram Road, Naidupuram, Kodaikanal from Primary Residential Zone to that of Multi Use Zone in the modified Master Plan for the Kodaikanal Planning Area within a time frame.

3.It is not clear how as a matter of right the petitioner seeks for re-classification of the property in question. The construction put up by the petitioner is an un-authorized construction as it is a lodging house and there is a very elaborate procedure to be followed whenever a request for re-classification is made. In the instant case, the petitioner seeks for re-classification from Primary Residential Zone to that of Multi Use Zone, which has to be considered by the the authorities concerned. We do not say anything more.

4.It is up to the second respondent to take a decision on the representation. Therefore, we dispose of the Writ Petition with a direction to the second respondent to consider the representation of the petitioner and pass order on merits and in accordance with law. It is needless to say that Kodaikanal Municipality should be directed to submit a report with all relevant materials, including map. Till the order is passed, the building shall remain under lock and seal. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Principal Secretary,
State of Tamil Nadu,
St. George Fort, Chennai.

2.The Secretary,
Housing & Urban Development Department,
Secretariat,
St. George Fort, Chennai.

3.The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, St. George Fort,
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Madurai Region, Madurai.

6.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-21078[F] dated 02/07/2021)

+1 CC to M/s.M.KANNAN, Advocate (SR-21131[F] dated 05/07/2021)

W.P. (MD)No.4176 of 2021
02.07.2021

KMK(CO)
KB(13.07.2021) 3P 9C