



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8895 of 2020

S.Sakaran

.. Petitioner

Vs.

1. The District Collector cum Chairman
Building Plan Approval Committee
Collectorate
Nilgiris District.
2. The Assistant Director (Panchayats)
Collectorate
Nilgiris District.
3. The Block Development Officer (Village Panchayat)
Panchayat Union Office
Kothagiri Taluk
Nilgiris District.
4. The President
Kunjapanai Village Panchayat Office
Kunjapanai Village
Kothagiri Taluk
Nilgiris District.

5. G.Mohan Kumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 4 respondents to comply the 4th respondent notice dated 02.03.2020 and direct 1 to 4 respondent to take appropriate action for demolition of the unauthorised commercial construction of the fifth respondent premises which is situated in S.F.No.22/3A, 22/4 and old S.F.No.249, 12/2 & 8/5) which is situated in Kunjapanai Village, Kothagiri Taluk, Nilgiris District which is close to catherin waterfalls and river based on the petitioner's representation dated 30.01.2020 and reminder representations dated 09.03.2020 and 15.06.2020.



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For the Petitioner : Mr.M.Sudhan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1

Ms.Radhika
Government Advocate
for respondents 3 & 4

Mr.L.Mouli
for respondent 5

ORDER

(Made by the Hon'ble Chief Justice)

The writ petition has been filed seeking a direction to the respondents 1 to 4 to take action and demolish the unauthorised construction made by the fifth respondent.

2. Learned counsel appearing for the fifth respondent submits that the construction was made after obtaining permission for residential purpose. The construction was made only to the level of pillars. Realising that permission is required to be obtained from the fourth respondent, who is the approving authority of the area in which the land exist, the fifth respondent made an application to the fourth respondent and awaiting permission, he has stopped the construction. The construction would be raised for the residential purpose and not for commercial use of the property.

3. In the light of the statement aforesaid, the writ petition is disposed of, with a direction to the fifth respondent to undertake construction of the land in question, subject to the permission of the competent authority, only for residential use and not for commercial purpose. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar



kpl/drm

To:

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Collectorate
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Collectorate, Nilgiris District.
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Panchayat Union Office
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Nilgiris District.
4. The President
Kunjapanai Village Panchayat Office
Kunjapanai Village
Kothagiri Taluk, Nilgiris District.

+1cc to Mr.L.Mouli, Advocate SR.No.10213

+2cc to Ms.Radhika, Advocate SR.No.10700

+1cc to Government Pleader SR.No.10808

W.P.No.8895 of 2020

PL(CO)
GMY(23/02/2022)