



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.14303 of 2022

K.Subramanian

.. Petitioner

Vs.

1. The District Collector,
Nilgiris District,
Udhagamandalam, The Nilgiris District-643 001.
2. The Deputy Director of Town Planning,
Municipal Complex,
Dr.Nanjappa Road,
Coimbatore-641 018.
3. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam, The Nilgiris District-643 001.
4. The Superintending Engineer,
Tamil Nadu Electricity Board,
Udhagamandalam, The Nilgiris District.
5. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Block No.2, Addl. Collectorate Building,
Udhagamandalam, The Nilgiris District-643 005.

.. Respondents

Writ Petition (Public Interest Litigation) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to take appropriate actions against the unauthorised constructions made in Survey Nos.1731, 1732, 47, 48 and Door No.80-C, Ward No.E, E/19/11, Green Field, Udhagamandalam, Nilgiris District, Survey Nos.4359/2, 4362, 4362/5, 4364/2 in Ooty East, Ward C, Snow Down Road, near Gem Park, Nilgiris District and in Survey No.1106/4D, Ward No.9, South Wick, Coonoor Road, Udhagamandalam, Nilgiris District and encroachment of 100 cents of land in T.S.No.C8/28,



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O.S.No.4269 situated at Maarlimandh as a house plot by considering the petitioner's representation, dated 20.01.2022.

For Petitioner : M/s.C.Ramaraj

For Respondents : Mr.P.Muthukumar, State Govt. Pleader
for RR-1 and 2
Mr.P.Srinivas,
Standing Counsel for R-3

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed to seek a direction to the respondents to take action against the unauthorised construction made in Survey Nos.1731, 1732, 47, 48 and Door No.80-C, Ward Nos.E, E/19/11, Green Field, Udhagamandalam, Nilgiris District, Survey Nos.4359/2, 4362, 4362/5, 4364/2 in Ooty East, Ward C, Snow Down Road, near Gem Park, Nilgiris District and in Suvey No.1106/4D, Ward No.9, South Wick, Coonoor Road, Udhagamandalam, Nilgiris District and encroachment of 100 cents of land in T.S.No.C8/28, O.S.No.4269 situated at Maarlimandh as a house-plot by considering the petitioner's representation, dated 20.01.2022.

2. To find out the bona-fide of the petitioner, a direction was given by this Court on 09.06.2022 to file an affidavit to the effect that in the Nilgirs District, no one is using the residential building for commercial purpose, other than the persons indicated in the affidavit filed in support of the Writ Petition. Further, if at all it is assumed that it is used for commercial purpose, the respondents/ authorities would take action.

3. The Public Interest Litigation (PIL) can be entertained only when it is found to be bona-fide. We do not find bona-fide on the part of the petitioner in filing this Writ Petition (PIL), rather, he has failed to make compliance of the aforesaid order of this Court, dated 09.06.2022 by filing affidavit that no-body is using the building in Ooty against the approved plan. That apart, the petitioner has not impleaded the person against whom the allegation of unauthorised construction has been made. Therefore, this writ petition suffers on account of non-joinder of necessary party.



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4. Finding no bona-fide on the part of the petitioner in filing this PIL, the same is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dsn/cs

To

1. The District Collector,
Nilgiris District,
Udhagamandalam, The Nilgiris District-643 001.
2. The Deputy Director of Town Planning,
Municipal Complex,
Dr.Nanjappa Road,
Coimbatore-641 018.
3. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam, The Nilgiris District-643 001.
4. The Superintending Engineer,
Tamil Nadu Electricity Board,
Udhagamandalam, The Nilgiris District.
5. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Block No.2, Addl. Collectorate Building,
Udhagamandalam, The Nilgiris District-643 005.

+1cc to Mr.Guruprasad, Advocate, S.R.No.37874

+1cc to the Government Pleader, S.R.No.37695

W.P.No.14303 of 2022

MG[co]
NSK/28/06/2022