



WEB COPY



W.P. No.1792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.1792 of 2023

R. Vimal Rajkumar

... Petitioner

Versus

The Executive Chairman,
Naduvattam Town Panchayat,
Nilgiris District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent herein not to dispossess the petitioner by demolishing the petitioner's residence at No.18/97-A and 18/97-B, Road Side Farm, T.R. Bazaar, Naduvattam, Nilgiris District in Survey No.227/1, 169 by virtue of the notice issued by the respondent in Na.Ka.No.107/2015 dated 09.10.2017 and 28.02.2018, considering the petitioner's representation dated 22.12.2022 in accordance with law.

For Petitioner : Mr.J.Ashok

For Respondent : Mr.G.Nanmaran
Special Government Pleader



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ORDER

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(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed for a direction to the respondent herein not to dispossess the petitioner by demolishing the petitioner's residence at No.18/97-A and 18/97-B, Road Side Farm, T.R. Bazaar, Naduvattam, Nilgiris District in Survey No.227/1, 169 by virtue of the notice issued by the respondent in Na.Ka.No.107/2015 dated 09.10.2017 and 28.02.2018, considering the petitioner's representation dated 22.12.2022 in accordance with law.

2. By consent of both the learned counsel appearing for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader, who takes notice for the respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondent and perused the entire materials on record.



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4. According to the petitioner his forefathers are owners of the property and put up a residential building. The petitioner's father reconstructed the same after obtaining permission. The petitioner constructed a commercial building in the year 2017 in Survey No.148/5 without obtaining any permission from the respondent and was running a Hotel in the name and style of "M/s.Five Bulls Hotel". The respondent issued notice dated 09.10.2017 and final notice dated 28.02.2018 and demolished the Hotel. Thereafter, the petitioner filed a Write Petition in W.P.No.23419 of 2022 before this Court and the same was dismissed by this Court on 06.09.2022. The petitioner has not taken any further proceedings.

5. Learned counsel appearing for the petitioner submitted that the officials of the respondent using the earlier notice issued in the year 2017 and 2018 with regard to the construction of Hotel/commercial building threatening the petitioner to demolish the residential building put up by the petitioner's father. In such circumstances, the petitioner gave representation dated 22.12.2022 to the respondent. Without considering the said representation, the officials are threatening the petitioner. In such circumstances, the petitioner has come out with the present writ petition.



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6. Considering the submissions made by the learned counsel for the petitioner, the present building is only a residential house constructed after obtaining permission from the respondent and the petitioner has given representation to the respondent. Without deciding the issue on merits, this Court, directs the respondent to consider the representation of the petitioner dated 22.12.2022 and pass appropriate orders on merits and accordance with law, after giving an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondent is restrained from taking any coercive steps.

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

(V.M.V., J) (R.H., J)
25.01.2023

Index: Yes/No
Speaking order/Non-speaking order
rsi



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WEB COPY To

The Executive Chairman,
Naduvattam Town Panchayat,
Nilgiris District.



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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

rsi

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