



W.P.No.9537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.9537 of 2023

Mrs.K.Ruckmani

... Petitioner

VS.

1.The Collector,
O/o.District Collector,
Nilgiris District,
Ootacamund,
The Nilgiris.

2.The Block Development Officer,
Ootacamund,
The Nilgiris.

3.The President,
Kadanad Panchayat,
Kadanad,
The Nilgiris.

4.M.S.Vivekan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to



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implement the public notice issued on 19.09.2021 by them and consequently directing the respondents 1 to 3 to pass such further or other orders.

For Petitioner : Mr. Abdul Saleem

For Respondents : Mr. R. U. Dinesh Rajkumar
Additional Government Pleader for R1
Mr. A. Anandan
Government Advocate for R2 and R3
Mr. L. Mouli for R4

ORDER

The writ petition is filed seeking a direction to the 3rd respondent to implement the notice dated 19.09.2021 and consequently, direct the respondents 1 to 3 to pass further orders.

2. The 3rd respondent herein issued a notice on 19.09.2021 directing the 4th respondent not to continue construction in Mel-Malikorai, Thavani Post, Kadanad, The Nilgiris District.

3. It is mentioned in the impugned notice that the petitioner has not obtained necessary building plan permission for construction of the building, therefore, the notice came to be issued.



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4. The learned counsel appearing for the petitioner submits that though the 3rd respondent issued a notice directing the 4th respondent to stop construction without building plan permission, the 3rd respondent failed to take any further action in pursuance of the notice. Therefore, the petitioner has come before this Court.

5. The learned counsel appearing for contesting 4th respondent submits that he has already submitted an application for building plan permission and the same is available with District Level Committee. The learned counsel further submitted that the 4th respondent only wants to put up an additional construction in the existing building. Therefore, the old construction cannot be termed as one without proper building plan.

6. In the light of the above mentioned circumstances, this Court is inclined to issue a direction to 4th respondent to submit his explanation to the notice of the 3rd respondent, dated 19.09.2021 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the 3rd respondent shall consider the same and pass appropriate



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orders on merits in accordance with law within a further period of four weeks.

7. With this observation, this writ petition stands disposed of.

No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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The Nilgiris.

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S.SOUNTHAR, J.

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