



W.P.No.14026 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.14026 of 2019

A.R.Iqbal Sait

... Petitioner

Vs.

The Commissioner,
Udhagamandalam Municipality,
Ooty.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to remove the illegal seal of the premises at door No.165A/1 Club road, Commissioner Road, Ootacamund, Niligris.

For Petitioner : Ms.Abiramee

for Mr.V.Raghavachari

For Respondent : Mr.P.Srinivas, Standing Counsel



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ORDER

WEB COPY (Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This petition has been filed to direct the respondent to remove the illegal seal of the premises at door No.165A/1 Club road, Commissioner Road, Ootacamund, the Niligris.

2. The petitioner had purchased a property in survey No.3909 measuring to an extent of 23 cents at Club Road/Commissioner Road, Udhagamandalam, the Nilgiris and after passing resolution No.243 dated 24.02.2003 by the Municipality, he had constructed the building and it was leased to one Manjunah and Solomon. Since the property was using as a guest house, the Municipality has assessed the property for tax on commercial lines. In such circumstances, on 07.02.2019, the premises was sealed by the respondent. Hence the writ petition.

3. The learned counsel for the petitioner submitted that, the petitioner has preferred an appeal before the government under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same is pending and



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hence, the respondent may be directed to de-seal the property, pending disposal of the Appeal.

4. The learned Standing Counsel appearing for the respondent submitted that, originally building permission was granted for construction of residential buildings, whereas, the buildings were being used as lodging houses. Hence, notice under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 24.05.2017 and the petitioner was directed to rectify the defects. Subsequently, as per the undertaking given by the petitioner that he will not use the premises for commercial purpose, the building was desealed on 13.07.2018. But, on 07.02.2019, it was found that the building was using as commercial enterprise. Hence, the building was sealed on 07.02.2019.

5. Further, after verification, the learned Standing Counsel appearing for the respondent informed before this Court that no such appeal is pending before the Government, as alleged by the petitioner.



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6. Inview of the above, we are not inclined to entertain this writ petition, as it has no merits. Hence, the respondent is directed to proceed further in accordance with law for violation of the rules, if there is no legal impediment.

7. With the above direction, this writ petition is dismissed. No costs.

(D.K.K.J.)

(P.D.B.J.)

27.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

The Commissioner,
Udhagamandalam Municipality, Ooty.



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