



W.P.No.23649 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 04.01.2023

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**  
**and**  
**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.No.23649 of 2022**  
**and**  
**W.M.P.No.22599 of 2022**

L.Jaishankar

.. Petitioner

**Vs.**

1.The Collector of the Nilgiri District  
Udhagamandalam,  
The Nilgiris.

2.The President  
Nanjanad Panchayat,  
Nanjanad Post,  
Udhagamandalam – Taluk,  
The Nilgiris.

3.G.N.Babu

4.G.N.Gokul

5.G.N.Ganesh

.. Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the



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respondents 1 to 2 herein to initiate appropriate proceedings as against the respondents 3 to 5 herein for carrying on illegal and unauthorized constructions at Old S.No.129/1, New S.No.663/5, Nanjanad II, The Nilgiris District without securing approval from the respondents 1 and 2 herein as per the provisions of the Tamil Nadu District Municipalities (Hill Station Building) Rules, 1993 or under the provisions of Tamil Nadu Panchayat Building Rules, 1997 or under any other provision of law and within such time as may be prescribed by this Court.

For Petitioner : Mr.D.Krishna Pradeep  
For R1 and R2 : Mr.R.Vigneshwaran  
Government Advocate  
For R3 to R5 : Mr.S.Shankar  
for M/s.Lenin and Bhagya

### **ORDER**

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

The present writ petition is filed for a direction to the respondents 1 to 2 herein to initiate appropriate proceedings as against the respondents 3 to 5 herein for carrying on illegal and unauthorized constructions at Old S.No.129/1, New S.No.663/5, Nanjanad II, The Nilgiris District without securing approval from the respondents 1 and 2 herein as per the provisions of the Tamil Nadu District Municipalities (Hill Station



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Building) Rules, 1993 or under the provisions of Tamil Nadu Panchayat

Building Rules, 1997 or under any other provision of law and within such time as may be prescribed by this Court.

2. Heard Mr.D.Krishna Pradeep, learned counsel appearing for the petitioner, Mr.R.Vigneshwaran, learned Government Advocate appearing for the respondents 1 and 2 as well as Mr.S.Shankar, learned counsel appearing for the respondents 3 to 5 and perused the entire materials on record.

3. The petitioner is the permanent resident and residing at Door No.3/347 comprised in Old S.No.129/1 and New S.No.663/5, Kuruthukuli Village, Nanjanad Panchayat, The Nilgiris District and he put up construction in the said premises before 30 years. The petitioner stated that taking advantage of his temporary absence, the respondents 3 to 5, who are the owners of adjoining property encroached the petitioner's property and putting up construction without any approval, which is illegal. The petitioner filed O.S.No.80 of 2022 on the file of the District Munsif Court, Udhagamandalam for permanent injunction restraining the respondents 3 to 5 from interfering with the petitioner's peaceful



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possession and enjoyment of the suit schedule property. The petitioner also sent a representation and also issued notice through his counsel dated 10.06.2022 to the respondents 1 and 2 to take action against the respondents 3 to 5 for their unauthorised construction. Since the respondents 1 and 2 have not taken any action, the petitioner has come out with the present writ petition.

4. The respondents 3 to 5 have filed counter affidavit and Mr.S.Shankar learned counsel representing M/s.Lenin and Bhagya counsel for the respondents 3 to 5, submitted that in the above said suit, the petitioner has admitted that the lands claimed in the suit belongs to the Government and the concerned Tahsildar has inspected the suit property and closed the petition filed by the petitioner. He further submitted that suppressing the above facts, the petitioner has come out with the present writ petition. Further, the respondents 3 to 5 have put up construction only with the approval of the authorities and prayed for dismissal of the writ petition.

5. Mr.R.Vigneshwaran, learned Government Advocate takes notice for the respondents 1 and 2 and submitted that the representation of the



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petitioner dated 10.06.2022 will be considered and orders will be passed in accordance with law.

6. Considering the nature of relief sought for in the present writ petition, the 2<sup>nd</sup> respondent is directed to inspect the property in question within a period of two weeks from the date of receipt of a copy of this order. It is open to the respondents 3 to 5 to produce the approved plan, if any, at the time of inspection made by the 2<sup>nd</sup> respondent. If there is any unauthorised construction found, the 2<sup>nd</sup> respondent shall take appropriate action against the respondents 3 to 5 in accordance with law, within a period of eight weeks, thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**(V.M.V., J) (R.H., J)**  
**04.01.2023**

Index : Yes / No  
Internet : Yes / No  
dm



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

dm

To

- 1.The Collector of the Nilgiri District  
Udhagamandalam,  
The Nilgiris.
- 2.The President  
Nanjanad Panchayat,  
Nanjanad Post,  
Udhagamandalam – Taluk,  
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