



W.P.No. 26573 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No. 26573 of 2021
and
W.M.P.No. 28028 of 2021**

1. K.Gopalakrishnan Rao
2. Prema Dharti Rao
3. M.Sameera Devi

... Petitioners

Vs.

1. The Collector of Nilgiris
Nilgiris District
Udhagamandalam 643001

2. The Commissioner
Udhagamandalam Municipality
Udhagamandalam, Nilgiris District

3. Mohammed Suhail

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Madamus, to direct the first and second respondent to
take appropriate steps to remove unauthorized commercial shed/



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structures put up by the third respondent at S.No. 2737/1A2 corresponding new T.S.No.F15/13 of Udhagamandalam Town situated at Woodcock Road in Primary Vegetative Use Zone (PVZ1) based on the representation dated 01.10.2021 on merits and in accordance to law.

For Petitioner : Mr.B.Srinivasa Babu
For Respondents : Mr. P. Srinivas
Standing Counsel for R1 to R2
No Appearance for R3

ORDER

This writ petition has been filed to direct the respondents to take appropriate steps to remove unauthorized commercial shed/ structures put up by the third respondent at S.No. 2737/1A2 corresponding new T.S.No.F15/13 of Udhagamandalam Town situated at Woodcock Road in Primary Vegetative Use Zone (PVZ1) based on the representation dated 01.10.2021 on merits and in accordance to law.

2. According to the learned counsel for the petitioner, though the third respondent had obtained residential building approval as early as in the year 2012, he made no attempts to construct residential building as on date and the said approval got lapsed. However, in gross violation of



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the Primary Vegetative Use Zone, he had illegally converted the vacant house site into commercial purpose by putting up a commercial shed in the said premises. Therefore, the petitioner sent a representation dated 01.10.2021 to the respondents 1 and 2, to remove the unauthorised commercial construction at T.S.No.F15/13 of Udhagamandalam Town situated at Woodcock Road, but the same has not been removed till date. Hence, the present writ petition.

3. Though notice was served, there was no representation for the third respondent.

4. Learned standing counsel appearing for R1 and R2 would submit that the unauthorized commercial shed/ structures put up by the third respondent was not in use and they will take steps to remove the same.

5. Considering the above submission, the respondents 1 and 2 are directed to take appropriate steps by giving opportunity to all the parties



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concerned and remove the unauthorized construction within a period of four(4) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
22.08.2023

Index : Yes / No
msv

To

1. The Collector of Nilgiris
Nilgiris District
Udhagamandalam 643001

2. The Commissioner
Udhagamandalam Municipality
Udhagamandalam, Nilgiris District



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