



WEB COPY



W.P.No.29353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.29353 of 2023
and W.M.P.No.28983 of 2023

Verileela

... Petitioner

Vs.

1) The District Collector,
The Nilgiris District, Ooty,
171, Church Hill Road,
Pudumund, Ooty – 643 001

2) The Executive Officer,
Kotagiri (special Grade) Town,
Kotagiri Town Panchayt Office,
Kotagiri, The Nilgiris District.

3) The Secretary to Government of Tamil Nadu,
Municipal Adminsitration and
Water Supply Department,
Fort St.George, Chennai

... Respondents

**R-3 – sumo moto impleaded by this Court vide order dated 13.12.2023*



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose of the Review petition submitted by the petitioner to the first respondent on 19.08.2023 in respect of the petitioner's building situated at Survey No.1011/1 at Door No.40/3A1 at Kaamboi Kadai, Kotagiri, the Nilgiris filed under section 217 K of the Tamil Nadu District Municipalities Act within a time frame as fixed by this Court.

For Petitioner : Mr.D.Revathi Karthick

For R-1 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R-2 : Mr.Azizulla Khan,
Government Advocate

ORDER

Per J.NISHA BANU, J.,

This writ petition has been filed to direct the first respondent to dispose of the review petition submitted by the petitioner on 19.08.2023 in respect of the petitioner's building, within a time frame fixed by this Court.

2. The learned counsel for the petitioner submits that the petitioner is the absolute owner of the property situated at S.No.1022/1, Door No.40/3A1



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at Kaamboi Kadai, Kotagiri, the Nilgiris. The petitioner has obtained building plan approval for construction of the front side of the building comprising a built up area of 100 sq.ft. in the ground and first floor respectively.

3. According to the petitioner, the said building was assessed to property tax and she has obtained electricity connection for the above building. The petitioner would further contend that the above survey number is a patta land and she is in possession of the same. As the petitioner intended to extend the construction on the rear side of the property, she applied for the approval of the building plan under the provisions of Tamil Nadu District Municipalities (Hills Station) Building Rules, 1993 by application dated 10.08.2022.

4. According to the petitioner, the second respondent issued a notice under section 217 (J) of the Tamil Nadu District Municipalities Act, 1920 to stop the construction work. The application for approval of plan was rejected by the Nilgiris District Building Approval Committee by a letter dated



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10.05.2023, which was received by the petitioner on 24.05.2023.

Immediately, the petitioner has preferred a review petition before the first respondent to set aside the order passed by the second respondent

5. When the matter came up for hearing, the first respondent has filed a status report wherein they have stated that the review application has to be filed only before the Secretary to Government of Tamil Nadu, Municipal Adminsitration and Water Supply Department as per Section 217(K) of the Tamil Nadu District Municipalities Act, 1920.

6. According to the learned counsel for the petitioner, though the representation has been sent to the first respondent, the first respondent in turn has to forward the same to the Government. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner is at liberty to make a fresh review petition before the Secretary to Government of Tamil Nadu, Municipal Adminsitration and Water Supply Department.



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7. The Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department is hereby suo-moto impleaded as third respondent in the above writ petition and the third respondent shall pass orders on the review application filed by the petitioner, within a period of eight weeks thereafter. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.)

(N.M., J.)

13.12.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

sts

To:

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- 2) The Executive Officer,
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3) The Secretary to Government of Tamil Nadu,
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Order made in
W.P.No.29353 of 2023

Dated:
13.12.2023