



W.P.No.11910of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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P. Mirla

.. Petitioner

Versus

1. The Collector,
Nilgris District,
Tamil Nadu

2. The District Forest Officer,
Nilgris North, Ooty, Nilgris

3. The Forest Ranger,
Ooty North Ranger, Ooty, Nilgris

4. The Special Officer,
Doddabatta Panchayat,
Ooty Taluk, Nilgris District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 13.12.2017 in Na.Ka.No.6488/2017 M, on the file of the second respondent and quash the same and further directing the Respondents to give permission to the petitioner for replacing existing shed with new shed for the petitioner's



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shop situated near Doddabatta bus stand, Doddabatta Panchayat , Ooty to Nilgris District and pass orders.

For Petitioners	: M/s D. Bennington
For Respondents	: Mr. S. Rajesh
	Government Advocate

ORDER

The petitioners have filed this petition to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 13.12.2017 in Na.Ka.No.6488/2017 M, on the file of the second respondent and quash the same and further directing the Respondents to give permission to the petitioner for replacing existing shed with new shed for the petitioner's shop situated near Doddabatta bus stand, Doddabatta Panchayat , Ooty to Nilgris District and pass orders.

3. The case of the petitioner is that the petitioner is running a petty shop near Doddabatta bus stand, Doddabatta Panchayat, Ooty Taluk, Nilgris District and he has obtained licence for running the shop. The shop is in dilapidated condition which needs to be renovated. Hence the petitioner gave a representation to the first respondent who inturn has



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forwarded the same to the third respondent. The third respondent have caused a impugned notice dated 13.12.2017 stating that if the petitioner's petty shop is renovated that will give way for encroachment in the reserve forest and will led to pollution. Hence, the second respondent refused to give permission to fix a new shop and also refused to give permission for fixing a new shed. Aggrieved over the same, the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that there will not be any encroachment in the reserve forest, due to renovating the petty shop. He further submitted that he is ready to give an undertaking that he will not cause any pollution in the forest. Hence, he prays to allow this petition.

5.The learned Government Advocate appearing for the Respondents submitted that the subject area is a reserve forest, expansion of the shop and renovating the existing shop will led to pollution. He further submitted that the representation of the petitioner has been considered and he has been granted to do patchwork in the existing shop.



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6. I have given anxious consideration to either side submissions and perused the materials available on record.

7. Considering the facts of the case, this Court without going into the merits of the impugned order directs the petitioner to give a fresh representation to the respondents and on receipt of the same, the respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. However, the petitioner is at liberty to renovate the shop if the shop is completely damaged till a decision is taken.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

17.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To



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V.BHAVANI SUBBAROYAN, J.

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