



WEB COPY



W.P.No.12655 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12655 of 2021 and
WMP.No.13448 of 2021

Mahavir Plantations Pvt Ltd.,
rep. By its Director Bhansali
Silver Bright House,
Chullickal Road,
Kochi,
Kerala 682 005

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Udhagamandalam,
Nilgiris
- 2.The Sub Collector,
Sub Collector Office,
Udhagamandalam 643 001
- 3.The Tahsildhar,
Taluk Office,
Udhagamandalam Taluk,
Nilgiri District 643 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 3 from putting up any constructions in S.No.175/1, 175/2 and 175/3 of Naduvattam Village, Otty Division belonging to the petitioner without



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following the due process of law and consequently remove all the illegal constructions and developments made by the respondents in the patta lands of the petitioner.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate

ORDER

This writ petition has been filed for direction forbearing the respondents from putting up any construction in survey No.175/1, 175/2, 175/3 situated at Naduvattam Village, Ooty.

2. The petitioner is a company and owns property comprised in survey Nos.175/1, 175/2, 175/3 situated at Naduvattam Village, Ooty which was purchased in the year 1976 by the registered sale deed vide document No.2561 of 1976. The petitioner was also issued patta for the said land by the competent authority. While being so, in the month of December 2020, the Public Works Department had put up several constructions such as widening roads, building a public toilet and foundation stone also been laid for building in that area. However, without any notice to the petitioner and without any due process of law,



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the respondents started to put up construction in the patta land owned by the petitioner. Therefore, the petitioner submitted representation to the revenue authorities.

3. On perusal of the counter filed by the respondents revealed that on the representation received from the petitioner, surveyors were directed to check and verify the field by surveying the construction field. Accordingly, inspection was conducted by the revenue authorities and on verification, it was found that the construction which was carried out in survey No.175/3 to an extent of 2.66 cents and in survey no.176/4 to an extent of 15.91 cents belong to the petitioner. Immediately, the construction works were stopped and constructed school premises in poramboke land.

4. The learned counsel for the petitioner would submit that while laying foundation stone for construction of school in the land owned by the petitioner, soil was removed and it is being the landslide area, it must be refilled while restoring the land belongs to the petitioner.



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5. In view of the above, the respondents are directed to restore the petitioner's land in its original position within a period of six weeks from the date of receipt of copy of this order and not to interfere with the peaceful possession and enjoyment of the petitioner's patta land.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

04.04.2024

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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