



W.P.No.36451 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No. 36451 of 2024
and
W.M.P.No. 39317 of 2024

O.V.Mathew

...Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Udagamandalam - 643 001.
Nilgiris District, Nilgiris.

2.The Block Development Officer,
Gudalor Panchayat Union,
Nilgiris.

3.The Assistant Director of Panchayat,
Udagamandalam,
Nilgiris District.

4.The Panchayat President,
Cherangodu Village Panchayat,
Cherambadi, Pandalur Taluk,
Udagamandalam, Nilgiris.

5.P.P.Yacob

...Respondents



Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Mandamus, calling for the entire records in respect of the notice in Na.Ka.No.307/2024 dated 11.11.2024 issued by the 4th respondent and quash the same and consequently direct the 4th respondent to desal the petitioner's premises situated in Old RS No.74A/15, New RS No.212/10A2, Cherangodu Village, Gudalur Taluk, Nilgiris District in Patta No.424, (New Patta 3590) with an extent of 2 cents (872 Sq.ft.).

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.S.John J.Raja Singh

Addl. Government Pleader for R1 & R3

Mr.P.Anandakumar for R2 & R4

ORDER

The impugned action has been taken pursuant to the orders of the Division Bench of this Court. It is one of those usual cases where, the legal authority which is entrusted with monitoring development works, issues a notice and thereafter, keeps quite for reasons best known only to it's officers leading to a Writ Petition before this Court seeking a mandamus to take action. Once this court issues a direction, immediately, the authorities swing into action.



2. In the case on hand, a notice requiring the petitioner to stop further construction was issued on 15.04.2024. No action was taken for nearly five months, leading to filing of a Writ Petition in W.P.No.25150 of 2024. This Court disposed of the Writ Petition on 03.09.2024 with the following direction:-

"2. Considering the narrow scope of the prayer made in the writ petition, without expressing any opinion on the merits of the matter, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 08.04.2024 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, of course after affording an opportunity to all the interested persons, including the seventh respondent. There shall be no order as to costs. Consequently, W.M.P.No.27471 of 2024 is closed."

3. Soon thereafter, the order impugned in the Writ Petition has been issued, after sealing the premises. The petitioner would rely upon the approved plan granted in the year 2015. The life of the approval granted is for one year.



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4. It is the contention of the learned counsel for the respondents that the construction was done only in the year 2023 without renewing the plan or applying for a fresh plan. Hence, we see no reason to interfere with the proceedings. This Writ Petition therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
03.12.2024

kkn

Internet:Yes

Index: No

Speaking

Neutral Citation : No



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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

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