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W.P.No.36414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.36414 of 2023

and

W.M.P.No.36428 of 2023

S.K.S.Resorts India Private Limited,
Represented by its Director,
Jyothish Kumar,
First Floor, 6/1, Sri Vignesh Nagar,
Vilankuruchi Road,
Coimbatore – 641 035.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.



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3.The Building Plan Approval Committee,
Udhagamandalam,
Collectorate Office Buildings,
Udhagamandalam.

4.The Committee for Architectural and
Aesthetic Aspects (AAA),
Office of the District Revenue Officer,
Ootacamund,
The Nilgiris.

5.The Deputy Director,
District Town and Country Planning,
Ootacamund,
Nilgiris – 643 007.

6.The President,
Hullathy Panchayat Union,
Udhagamandalam,
The Nilgiris – 643 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st, 4th and 5th respondents to pass orders on the petitioner's permit application dated 20.08.2018 bearing File No.250/2023/ND1, within a time frame to be fixed by this Court.

For Petitioner	:	Mr.Sharath Chandran
For R1 to R5	:	Mrs.V.Yamuna Devi Special Government Pleader



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st, 4th and 5th respondents to pass orders on the petitioner's permit application dated 20.08.2018 bearing File No.250/2023/ND1, within a time frame to be fixed by this Court.

2.The petitioner states that he is running a resort in his property measuring an extent of 1.7 Acres in Hullatti Panchayat in The Nilgiris District. It is stated that the petitioner has submitted an application for planning permission on 20.08.2018 and the same is pending with the 4th respondent. Aggrieved by the inaction on the part of the 4th respondent, the petitioner has filed the above writ petition.

3.Earlier, it was represented before this Court that the 4th respondent has decided to defer the application submitted by the petitioner till final orders are passed in a Public Interest Litigation in W.P.No.19553 of 2021



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pending before the Division Bench of this Court, which relates to prevention of mushrooming of homestays in the ecological and delicate region, The Nilgiris. However, it is now represented before this Court that the question before the Division Bench of this Court in the pending writ petition is only whether the buildings which are originally meant for residential or commercial purposes can be converted as homestays without following any guidelines or regulations. In the absence of any rules in vogue, the Division Bench appears to have expressed its concern for granting permission to any homestay without following any building regulations. Both sides states that the issue to be decided therein relates to unauthorized conversion of residential buildings to homestays.

4.However, in this case, the petitioner is seeking permission for a Resort. It is now represented before this Court that the 4th respondent is competent to grant building plan approval to the Resorts. Hence, there is no impediment for the 4th respondent to consider the application for grant of plan approval to the petitioner subject to compliance of building regulations applicable to commercial resorts. Therefore, this Court is inclined to direct



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the 4th respondent to consider and process the application dated 20.08.2018 stated to have been filed by the petitioner for building plan approval, in accordance with law, without prejudice to their contentions, even if any, in the writ petition in W.P.No.19553 of 2021. Till the 4th respondent considers the application submitted by the petitioner and passes final orders, the respondents shall maintain status *quo*.

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

(S.S.S.R., J.) (N.S., J.)
11.03.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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Housing and Urban Development Department,
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Chennai – 600 009.



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