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W.P.(MD) No.25636 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Dr.G.Lakshmanan
rep.by his Power Agent
S.Kalidasan Sugumaran
Managing Coordinator of
Sri Bala Lakshmanada
Meditation Retreat and
Health Science Centre
11/49, Woodville Road
Kodaikanal-624 101

... Petitioner

-VS-

- 1.The District Collector
Dindigul District
Dindigul
- 2.The Commissioner
Kodaikanal Municipality
Kodaikanal
Dindigul District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the second respondent in proceedings Na.Ka.No. 75/2020/F1, dated 19.10.2022, quash the same and consequently direct the second respondent to pass orders on the revised plan application dated 26.07.2022 submitted by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.T.S.Mohammed Mohideen for R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The order dated 19.10.2022, passed by the second respondent, rejecting petitioner's application seeking permission to convert the subject building from a Lodging Hotel to Meditation Centre, on the ground of shortage of setback area, is under challenge in this writ petition.



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2. Learned counsel appearing for the petitioner submits that the petitioner has provided necessary setback area for the subject building. However, without considering the same, the second respondent has rejected the petitioner's application.

3. Learned counsel appearing for the second respondent, on instructions, submits that if the revised plan is in accordance with the Rules, the second respondent will inspect subject building and take appropriate decision.

4. In view of the above submission of the learned counsel for the parties and considering the fact that the the petitioner has provided necessary setback area, the writ petition is allowed and the impugned order dated 19.10.2022, passed by the second respondent, is quashed. The second respondent is directed to inspect the subject building and if it is found that the same is in accordance with law, consider the petitioner's request seeking permission to convert the subject building from a Lodging Hotel to Meditation Centre and pass orders on merits and in accordance with law, after providing



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due opportunity to the petitioner. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.]

[R.V., J.]

25.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:
The District Collector,
Dindigul District,
Dindigul.



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and
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