



W.P.No.3812 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.3812 of 2025

and

W.M.P.No.4220 of 2025

S.K.S.Resorts India Private Limited
Represented by its Authorised Signatory
Mr.Jyothish Kumar

...Petitioner

Vs

1. The District Collector
Collectorate Building
Udhagamandalam
The Nilgiris - 643 001.
2. The Revenue Inspector
Sholur Firka
Udhagamandalam Taluk
Nilgiris District - 643 007.
3. The Tahsildar
Taluk Office
Udhagamandalam Taluk
Nilgiris District - 643 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to

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issue a Writ of Certiorari, to call for the records of the order dated 25.01.2025 passed by the 3rd respondent herein and quash the same.

For Petitioner : Ms.Gopika Nambiar
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Proceedings made in the previous listings of the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} and 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of brevity, convenience and clarity} thereat i.e., proceedings in the listings on 05.02.2025, 06.02.2025 and 07.02.2025 are as follows:

Proceedings dated 05.02.2025:

**'W.P. No. 3812 of 2025
and W.M.P. No.4220 of 2025**

M. SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

Mr. Sharath Chandran, learned counsel for writ petitioner, submits that captioned main writ petition is inextricably intertwined with W.P.No.1249 of 2025 filed by the writ petitioner. Learned counsel submits that W.P.No.1249 of 2025 has been filed by writ petitioner assailing an order dated 24.12.2024 bearing reference D7/20458/2017 made by R1 (District Collector, Udhagamandalam) and another Hon'ble Division Bench has stayed the 24.12.2024 order of R1 on the ground that the writ petitioner was not put on



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notice before permissions granted to writ petitioner were cancelled.

2. Tag captioned main writ petition along with W.P.No.1249 of 2025 and list both writ petitions along with all writ miscellaneous petitions thereat tomorrow (06.02.2025) in the Admission Board , i.e., Motion List.'

Proceedings dated 06.02.2025:

***'W.P. No. 3812 of 2025
and W.M.P. No.4220 of 2025***

M. SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

(Order of the Court was made by M. SUNDAR, J.

When the captioned matter was listed yesterday (05.02.2025), the following proceedings were made:

'Mr. Sharath Chandran, learned counsel for writ petitioner; submits that captioned main writ petition is inextricably intertwined with W.P.No.1249 of 2025 filed by the writ petitioner. Learned counsel submits that W.P.No.1249 of 2025 has been filed by writ petitioner assailing an order dated 24.12.2024 bearing reference D7/20458/2017 made by R1 (District Collector, Udthagamandalam) and another Hon'ble Division Bench has stayed the 24.12.2024 order of R1 on the ground that the writ petitioner was not put on notice before permissions granted to writ petitioner were cancelled.

2. Tag captioned main writ petition along with W.P.No.1249 of 2025 and list both writ petitions along with all writ miscellaneous petitions thereat tomorrow (06.02.2025) in the Admission Board , i.e., Motion List.'

2. Today, Ms. Gopika Nambiar, learned counsel representing Mr.Sharath Chandran, learned counsel on record for writ petitioner, is before us. We are informed that W.P.No.1249 of 2025 filed by the writ petitioner is under the classification 'local



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authority', therefore, as per roster, it is listed before another Hon'ble Division Bench. We are further informed that the matter is listed today. Ideally, this could have been brought to our notice yesterday.

3. Be that as it may, in the light of the narrative thus far, we recall paragraph no.2 of aforesaid 05.02.2025 order and replace it with the following paragraph no.2.

'2. List captioned writ petition along with captioned writ miscellaneous petition thereat tomorrow in the Admission Board i.e., Motion List. List on 07.02.2025.'

Proceedings dated 07.02.2025:

'W.P.No.3812 of 2025
and W.M.P.No.4220 of 2025

MSJ & KGTJ

Re-notified.

2. List on Wednesday i.e., on 12.02.2025.'

2. Aforementioned proceedings are telltale qua factual matrix and the trajectory the matter has taken before this Court.

3. Today, Ms.Gopika Nambiar, learned counsel representing counsel on record for writ petitioner is before us. Learned counsel submits that an 'order / notice dated 25.01.2025 issued by R3 [The Tahsildar, Taluk Office, Udthagamandalam Taluk, Nilgiris District - 643 001]' {hereinafter 'impugned order' for the sake of brevity, convenience and clarity} has been assailed in the captioned main WP which has been filed with a certiorari prayer.



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4. The subject matter of impugned order is 'S.No.54/6 in Hullathi Village, Udhagamandalam Taluk, Nilgiris District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

5. Learned counsel for writ petitioner submits that proceedings dated 24.12.2024 bearing reference No.D7/20458/2017 made by R1 which includes said land has been assailed by writ petitioner in W.P.No.1249 of 2025 together with W.M.P.No.1499 of 2025 thereat and an order of interim stay (until further orders) i.e., stay of 24.12.2024 proceedings of R1 bearing reference No.D7/20458/2017 has been granted by another Hon'ble Division Bench and interim order is operating but R3 has not taking note of the interim order while making the impugned order.

6. Issue notice.

7. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all three respondents.

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8. Learned State Counsel submits, on instructions that 24.12.2024 proceedings issued by R1 is not restricted to said land.

9. Considering the limited scope of the captioned WP, captioned main WP is taken up in the Admission Board with the consent of both sides.

10. Proceedings of R1 dated 24.12.2024 bearing reference No.D7/20458/2017 which has been stayed, no doubt is not restricted to said land but certainly includes said land.

11. The chronology of events is that R1 made 24.12.2024 proceedings bearing reference No.D7/20458/2017 *inter alia* calling upon the writ petitioner to take corrective action qua alleged encroachments, cessation of unauthorized operations and directing writ petitioner to obtain proper 'No Objection Certificates / Approvals' from relevant authorities to ensure full compliance qua building and land use regulations; that thereafter, R1 issued a notice dated 10.01.2025 being notice under Section 7 of 'the Tamil Nadu



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Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}; that 24.12.2024 proceedings of R1 was assailed by writ petitioner in W.P.No.1249 of 2025 and on 21.01.2025, another Hon'ble Division Bench granted interim stay of proceedings vide W.M.P.No.1499 of 2025 in W.P.No.1249 of 2025; that thereafter, on 23.01.2025, writ petitioner sent response to Section 7 notice dated 10.01.2025; this was received by R3 on 24.01.2025; that thereafter R3 has made the impugned order.

12. This Court, having set out the trajectory the matter has taken before the Revenue authorities as well as before this Court, finds that R3 has not taken into account the obtaining position that the interim order is operating vide W.M.P.No.1499 of 2025 in W.P.No.1249 of 2025 though the same has been brought to the notice of R3 in and by writ petitioner's response dated 23.01.2025 (received by R3 on 24.01.2025). On this short point, we are interfering with the impugned order but we make it clear that it is open to R3 to make fresh orders under Section 6 of said 1905 Act (if that be so) subject to / depending on outcome of W.P.No.1249 of 2025 which is



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pending before the other Hon'ble Division Bench.

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13. As the matter is pending before the other Hon'ble Division Bench, which is a co-equal and co-ordinate Bench, we have not expressed any view or opinion on the merits of the matter and we make it clear that merits of the matter including said land will be dealt with by the other Hon'ble Division Bench in W.P.No.1249 of 2025.

14. In the light of the narrative, discussion and dispositive reasoning thus far, following order is made:

(i) Impugned order dated 25.01.2025 made by R3 is set aside solely on the technical ground that the interim order dated 21.01.2025 in W.M.P.No.1499 of 2025 in W.P.No.1249 of 2025 has not been taken note of;

(ii) As already alluded to supra, no opinion on the merits of the matter has been expressed in this order and all questions are left open for both sides to be canvassed in W.P.No.1249 of 2025;



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(iii) Subject to / depending on outcome of W.P.No.1249

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of 2025, it is open to respondents to resuscitate the matter and issue Section 6 order afresh. If that be so, it is equally open to writ petitioner to assail the same by way of a statutory appeal under Section 10 of said 1905 Act. In other words, to put it differently, all rights and contentions of both sides are preserved.

Captioned main WP disposed of in the aforesaid manner. Consequently, WMP is disposed of as closed. There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

12.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

mk

To

1. The District Collector
Collectorate Building
Udhagamandalam
The Nilgiris - 643 001.
2. The Revenue Inspector
Sholur Firka
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