

W.P.No.7813 of 2025
and W.M.P.Nos.8776 and 8777 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.08.2025

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.7813 of 2025
and
W.M.P.Nos.8776 and 8777 of 2025

N.Ramabathra

... Petitioner

Vs.

- 1.The District Collector,
The Nilgiris District, The Nilgiris.
- 2.The Revenue Divisional Officer,
Udhagamandalam, The Nilgiris.
- 3.The Special Officer,
Nanjanad Panchayat,
Block Development Officer (VP),
Udhagamandalam Block,
The Nilgiris.
- 4.The Executive Authority/The President,
Nanjanad Village Panchayat,
Udhagamandalam Block,
The Nilgiris.
- 5.The Executive Engineer,
Department of Agriculture and Engineering,
Udhagamandalam, The Nilgiris.



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6. The Assistant Director,
Department of Geology and Mining,
Udhagamandalam,
The Nilgiris.

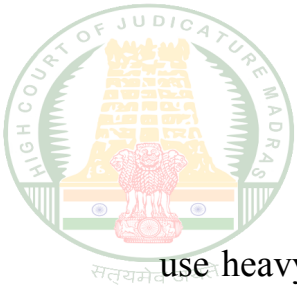
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order dated 13.02.2025 passed by the 3rd respondent, quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 03.02.2025 so as to enable him to use heavy machinery to demolish the old buildings in the subject premises viz., Survey No.494/3 in Nanjanad Village, Udhagamandalam within the time frame fixed by this Court.

For Petitioner	: Mr.G.Govarthanan
For Respondents	: Mr.N.Naveen Kumar Government Advocate for R1, R2, R5 and R6 Mr.S.Ravichandran Additional Government Pleader for R3 and R4

ORDER

This Writ Petition is filed to quash the order passed by the third respondent dated 13.02.2025 and consequently direct the first respondent to consider the petitioner's representation dated 03.02.2025 so as to enable him to



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use heavy machinery to demolish the old building in the subject premises viz.,
Survey No.494/3 in Nanjanad Village, Udhagamandalam.

2. The learned counsel would submit that the petitioner is the absolute owner of the subject matter and he had applied for planning permission and the fourth respondent through her proceedings in Pa.Mu.Mu.No.3/2022-23 dated 11.07.2022 granted building and construction permission. Thereafter, the building plan approval was extended for another year and after obtaining the appropriate extension of time on 03.02.2025, a representation was submitted to the first respondent seeking permission to use heavy machinery to demolish the old building on the said property.

3. The learned counsel would further submit that the first respondent by letter dated 07.02.2025 addressed to the second respondent directing him to conduct a site inspection of the said land, on which permission to use the heavy machinery had been granted and to send the inspection reports.

4. He would further state that under these circumstances, the third respondent without making any preparations for the field survey without giving



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any opportunity to the petitioner, and on false grounds and in an abuse of power, issued an order dated 13.02.2025, claiming that the public had lodged a complaint and ordered the work to be stopped, as if the said land was being used as a Hindi School.

5. The learned counsel would also submit that the third respondent has no power to pass the impugned order by violating the Act and Rules. Even though, if the third respondent decided to pass a detailed order, it should have been communicated to the petitioner and other persons who is having caveatable interest over the subject matter.

6. The learned Government Advocate appearing for the R1, R2, R5 and R6 would submit that the impugned order passed by the third respondent dated 13.02.2025 was passed without giving due notice or opportunity of hearing to the petitioner.

7. The learned Additional Government Pleader appearing for R3 and R4 would submit that the impugned order shall be set aside and this Court can remand back the matter to the third respondent for fresh consideration on merits



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and in accordance with law and the same will be considered on merits and in accordance with law by the third respondent, within the time frame that may be stipulated by this Court.

8. Heard both sides and perused the materials available on record.

9. The impugned order dated 13.02.2025 passed by the third respondent is without due notice and opportunity of personal hearing which is in violation of principles of natural justice. It is pertinent to note that the petitioner had already obtained planning permission on 11.07.2022 from the fourth respondent through her proceedings in Pa.Mu.Mu.No.3/2022-23.

10. The planning permission granted to the petitioner for demolishing the old building and in order to construct the new building at that time it was stated by the third respondent, there is some complaint were raised by the general public by an order dated 13.02.2025 and passed the impugned order directing the petitioner to stop the work immediately.



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11. This Court directs the third respondent to conduct a detailed enquiry after giving due notice to the petitioner as well as to the general public/interested parties who raised the complaint and to file a report before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

12. This Court further directs the first respondent to consider the petitioner's representation dated 03.02.2025, after giving due notice to the petitioner as well as interested parties, opportunity of personal hearing and to consider the documents submitted by the petitioner and other parties, on merits, and in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of the enquiry report submitted by the third respondent.

13. Pursuant to order passed by this Court on 06.03.2025 Mr.S.Satheesh, Revenue Divisional Officer, Ooty Nilgiris and Mr.B.Suresh, Special Officer, Nanjanad Village Panchayat, O/o.Block Development Officer (VP), Panchayat Union, Near YMCA, Ooty – 643 001 were present before this Court. The



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presence of the officers before this Court is dispensed with.

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14. In view of the above factual matrix of this case, the order passed by the third respondent in his order dated 13.02.2025 is liable to be quashed accordingly the same is quashed.

15. This Writ Petition stands allowed with the above observations and directions. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
mtl/jas



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To

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- 2.The Revenue Divisional Officer,
Udhagamandalam, The Nilgiris.
- 3.The Special Officer,
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Block Development Officer (VP),
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- 4.The Executive Authority/The President,
Nanjanad Village Panchayat,
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- 5.The Executive Engineer,
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N.MALA, J.

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