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WP.No.14609 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14609 of 2025

M/s.Hotel Mist Embrace Pvt Ltd.,
Rep by its Director, R.Maithili, 37/C/1,
Aadhi Cottage, Ettines Salai,
Udhagamanadalm,
The Nilgiris District.

Petitioner(s)

Vs

1.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.

2.The Regional Deputy Director,
Directorate of Town and Country Planning,
Coimbatore Region, Coimbatore - 18.

3.The District Revenue Officer,
Architectural Aesthetic Aspects Committee,
Nilgiris.

4.The Commissioner,
Udhagamandalam Municipality,
Nilgiris District.

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to make necessary corrections in the master plan formed by Udhagamandalam Local Planning Authority by classifying the previous land measuring 7.38 cents in Old survey No. 179/B, New Survey No. 1081, T.S.No.J/5/62 and 63, Melthalaiyathimund Village, Udhagamandalam Zone/District/ Municipality, Coimbatore Zone from existing road to appropriate zone based on the petitioner representation dated 10.12.2024 by taking into consideration of the letter dated 03.02.2020 given by the Assistant Divisional Engineer, National Highways, Udhagamandalam and pass further orders as this court deems appropriate and fit in the circumstances of the case and thus render Justice.

For Petitioner: Mr.R.Sreedhar

For Respondents: Mrs.R.L.Karthika,
Government Advocate
for R1 to R3

Dr.T.Seenivasan,
Special Government Pleader
for R4 & R5

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to make necessary corrections in the master plan formed by Udhagamandalam Local Planning Authority by classifying the previous land measuring 7.38 cents in Old survey No.179/B, New Survey No. 1081, T.S.No.J/5/62 and 63, Melthalaiyathimund Village, Udhagamandalam



Zone/District/ Municipality, Coimbatore Zone from existing road to appropriate

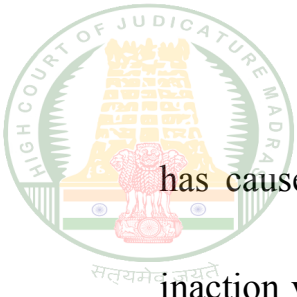
zone based on the petitioner representation dated 10.12.2024 by taking into

consideration the letter dated 03.02.2020 given by the Assistant Divisional

Engineer, National Highways, Udhagamandalam.

2. The petitioner is the Director of a company that purchased 7.38 cents of land in Melthalaiyathimund Village, Udhagamandalam, through three registered sale deeds. The National Highways Department began excavating nearby land for road formation, and the petitioner filed a Writ petition in 2018 for an injunction, which resulted in a status quo order. The land was later rectified by the District Revenue Officer in 2023 to correct the patta details. The petitioner also sought to rectify the land classification from “existing road” to an appropriate zone through representations in 2019 and 2021, but no action was taken. Despite assurances from the Highways Department that the work would not affect the petitioner’s property, the land was not reclassified, and the petitioner has been unable to develop the land.

3. Learned Counsel for the Petitioner submits that the respondent authorities’ failure to consider and act on the representations is unjustifiable and



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has caused significant delay in developing the property. He submits that the inaction violates their fundamental rights, particularly the right to property, and seeks a writ of mandamus to rectify the classification of the land in the master plan of Udthagamandalam Local Planning Authority from “existing road” to the appropriate zone. He submits that the assurances from the Highway Department should have been taken into account and the authorities’ inaction has caused mental distress. Hence, this case.

4. Learned Government Advocate appearing for R1 to R3 submits that the representation of the petitioner dated 10.12.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

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

6. Without going into the merits of the case, **the 1st respondent is directed to consider the representation of the petitioner dated 10.12.2024 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by the petitioner in regard to the subject matter property and pass appropriate orders on merits, in accordance with**



law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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In the result, the writ petition stands disposed of with the above

observations and direction. No costs.

16-07-2025

cda

Index: Yes/No

Speaking/Non-speaking order

To

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N.MALA J.

cda/tsh

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