



W.P.No.33909 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.33909 of 2014
and M.P.No.1 of 2014

1.Nirsan Plantations,
Halakarai, Yedappalli Village,
Springfield Post, Coonoor,
The Nilgiris – 643 104.
Rep. by its Proprietor J.Raman (deceased)

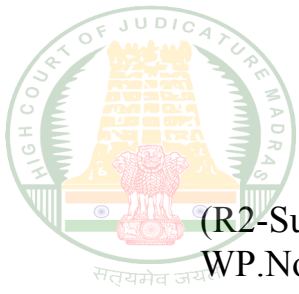
2.Nirsan Plantations,
Halakarai, Yedappalli Village,
Springfield Post, Coonoor,
The Nilgiris – 643 104.
Rep. by its Proprietor R.Sanjay

(P2-Substituted the proposed petitioner in the place of the deceased P1, as per order dated 17.12.2024 in WMP.No.40237/2024 in WP.33909/2014 by CVKJ)
... Petitioners

Vs.

1.President,
Yedappalli Panchayat,
Coonoor,
The Nilgiris – 643 104.

2.The Block Development Officer,
Coonoor, Nilgiris District.



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(R2-Suo Motu impleaded as per order dated 22.01.2025 in
WP.No.33909/2014 by CVKJ) ... Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records leading to the proceedings of the respondent herein dated 20.11.2014 and quash the same and consequently forbear the respondent herein from disrupting the peaceful possession and running of the Tea Factory situated at Door No.4/144-A, Alakarai Village, Yedapalli, Coonoor, The Nilgiris.

For Petitioners : Mr.A.Bobbli

For Respondents 1 & 2 : Mr.S.J.Mohamed Sathik,
Government Advocate

ORDER

This writ petition has been filed by the petitioner to call for the entire records leading to the proceedings of the respondent herein dated 20.11.2014 and quash the same and consequently forbear the respondent herein from disrupting the peaceful possession and running of the Tea Factory situated at Door No.4/144-A, Alakarai Village, Yedapalli, Coonoor, The Nilgiris.

2. Learned counsel for the petitioners submitted that the petitioner firm



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M/s. Nirsan Plantation registered with the District Industries Centre,

Udhagamandalam by filing a memorandum on 05.07.2007 for setting up a

Tea manufacturing factory and also obtained a Certificate of Registration

from the Commercial Tax Officer, Coonoor on 11.07.2007

(TIN:33232542723) and an NOC from the Fire and Rescue Service, Nilgiri

Division, on 18.07.2007. On 29.02.2007, the petitioner applied for

permission to construct a factory building at Survey Nos.42 and 45,

Yedapalli Revenue Village under the Respondent Panchayat, along with site

and building plans. The respondent (Executive Authority of the Panchayat)

forwarded recommendations to the District Forest Office and Tamil Nadu

Electricity Board (TNEB) on 03.03.2008 and 30.04.2008, respectively, for

issuing NOCs. After reviewing the plans, the Panchayat granted construction

permission on 28.04.2008 in compliance with the Tamil Nadu Panchayat

Building Rules, and collected the Tea Factory License fee for 2008-2009 on

29.05.2008. The Panchayat Council, through Resolution No.59, approved the

levy of tax on the petitioner's factory, and the respondent communicated this

to the Assistant Director, Panchayat Audit, Ootacamand. On 28.08.2008, the

respondent informed TNEB that construction was completed as per the



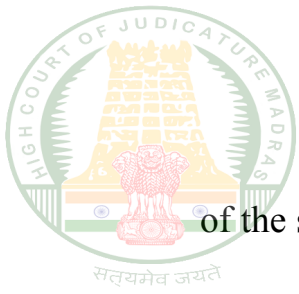
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approved plan, enabling an electricity connection.

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3. Learned counsel for the petitioners would further submit that the petitioner commenced tea manufacturing on 14.07.2008 and has since been regularly paying renewal fees, house tax, library fees, and professional tax as per respondent's demands. However, despite obtaining all necessary approvals and paying taxes regularly, the petitioner received a show cause notice on 17.09.2014, alleging that the factory was constructed without proper permission and directing demolition by 28.09.2014. The petitioner approached the first respondent Panchayat, explaining that construction was carried out legally with due permissions previously granted by the Panchayat itself. However, without considering the explanation, the first respondent sent a second show cause notice date 20.11.2014. Challenging the same, the petitioner has come forward with the present writ petition.

4. Learned Government Advocate appearing for the respondents has submitted a written instruction of the second respondent/The Block Development Officer, Coonoor. For better appreciation, the relevant portion



of the same is extracted hereunder:

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“4. At current stage the tea factory in the Nirsan Plantation has been running with the proper permission. Which have been taken over by the petitioner legal heir (Mr.Sanjay Raman). All the building plan approval, commercial approval, property tax (Assessment No.1747, Door No:4/144/B), license and remaining taxes has been payed properly. No other allegation has been found in this case.

5. As a block development officer I have verified the factory and the documents of the tea factory it is clear and has no reason for demolition. In Nilgiris district we have certain building committee rules regarding for any type of constructions. But in this case the plan approval has been provided by the president in the year 2008. So, the building committee rules has formed in the year of 2017. So it is not applicable for the above building. The above building has bought permission properly. We have not found any violation of rules in this case.”

5. Heard the learned counsel on either side and perused the materials available on record.

6. Recording the aforesaid written instruction of the second respondent/The Block Development Officer, Coonoor, this writ petition is



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closed. No costs. Consequently, connected miscellaneous petition is also

closed.

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14.03.2025 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

- 1.President,
Yedappalli Panchayat,
Coonoor,
The Nilgiris – 643 104.
- 2.The Block Development Officer,
Coonoor, Nilgiris District.

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