

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 21685 of 2025 and
WMP No.24475 of 2025**

1. Anees Babu
S/o.Unneen Kutty.K Kolakkattil House,
Chemmankadavu, Kodur P.O, Malappuram
District, Kerela.

2.Uneen Kutty.K
S/o.Hamza Kolakkattil House,
Chemmankadavu, Kodur P.O, Malappuram
District, Kerala.

3. NASSER
S/o.Hamza Kolakkattil House,
Chemmankadavu, Kodur P.O, Malappuram
District, Kerala

4.Shihabudheen Kozhiparamban
S/o. Alikutty Kolakkattil House,
Chemmankadavu, Kodur P.O, Malappuram
Distirct, Kerala.



5. Abdurasheed Musarikandy
S/o. M.K. Abdussalam Olive Villa,
Town Masjid Road, Poovattuparamba Po,
Kozhikode District, Kerala

6. M/s. Woodbrook Developers Llp
Rep By Its Managing Partner Muhammed
Ashik K Having Office At, No.3/560,
Cholakkam Road, Chemmankadavu, Kodur Po,
Malappuram District, Kerala- 676 504
(petitioners 2 To 6 Rep By Power Of Attorney
i.e. 1st Petitioner Herein)

Petitioner(s)

Vs

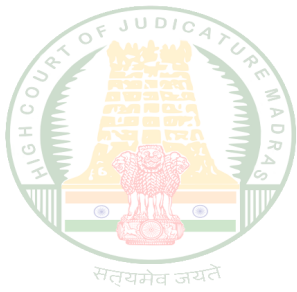
1. Principal Secretary to The Government
Housing And Urban Development, Secretariat,
Fort St. George, Chennai-09.

2. The Executive Officer
Naduvattam Town Panchayat,
Naduvattam, Nilgiris.

3. Assistant Director
District Urban Development And Planning
Department, Collectorate Complex, Nilgiris

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records of the order dated 03.06.2025 in Naa. Kaa. No.77 of 2024 passed by the 2nd respondent herein as the same was passed without application of mind and illegal and against the principal of natural justice and quash the same and further direct the 2nd Respondent to consider the petitioners representations dated 27.01.2025 , 26.04.2025 seeking further time for making rectifications.



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For Petitioner(s): Mr.Akhil Akbar

For Respondent(s): Mr.M.Venkateswaran

Spl.Gp For R1

Mr.Abishek Murthy Ga For R2

ORDER

(Order of the Court was made by J.Nisha Banu J.)

This writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 03.06.2025 in Naa. Kaa. No.77 of 2024, quash the same, as it was passed without application of mind and illegal and against the principal of natural justice and further seeking direction to the 2nd Respondent to consider the petitioners representations dated 27.01.2025, 26.04.2025 seeking further time for making rectifications.

2. The petitioners are the owners of their respective properties situated at TR Bazar, Naduvattam Town Panchayat, Naduvattam, Nilgiris. The said property includes 11 building with two storey and planning permission for the said buildings were approved by the 2nd respondent for residential purposes. Subsequently, the buildings were converted into lodges/accommodations under the name and style " Wood Brook Resorts". In order to legally validate the conversion of the residential property to commercial use, the petitioners obtained no objection certificates from the relevant departments.



2.1. The 2nd respondent issued show cause notice to the petitioners in respect to the said covertion and also issued lock and seal notice on 05.07.2019.

The petitioners have filed revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, however it was dismissed on 23.01.2024. Challenging the said order, the petitioners filed W.P.No.5755 of 2024 and by order dated 06.03.2024, the said writ petition was dismissed, with a direction to the respondents to de-seal the premises, only for the purpose of demolition or alterations, in order to bring the structure as per the sanctioned plan.

2.2. Subsequently, the 2nd respondent issued an order dated 27.11.2024, granting 6 months time from 01.12.2024 to 31.05.2025 to bring the building in accordance with the sanctioned plan. According to the petitioners, the said alterations mandated are time consuming and hence for extension of further six months time, the petitioners submitted a representation on 27.01.2025. Since there was no response to the said representation, the petitioners filed W.P.No.14573 of 2025 before this court and the said writ petition was also dismissed on 24.04.2025.

2.3. The petitioners contended that they are willing to complete the building work in compliance to the approved plan, however, in order to comply the order, seek extension of time. In such circumstances, the 2nd respondent issued the impugned order stating that the property will be sealed on



04.06.2025. Challenging the said order, instant this writ petition is filed.

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3. Heard the learned counsel for the parties and perused the materials on record.

4. The facts remains that planning approval was granted to the buildings constructed by the petitioners only for residential purposes. However, the petitioners converted the buildings into a lodge in the name of "Wood Brook resorts". The revision petition filed by the petitioners seeking regularisation of the building was also dismissed on 23.01.2024 itself.

5. In compliance to the order passed by this court dated 06.03.2024 in W.P.No.5755 of 2024, the 2nd respondent de-sealed the property and granted six months time from 01.12.2024 to 31.05.2025 to the petitioners, in order to bring the building, in accordance with the approved plan. However, the petitioners have not complied the said order, within the stipulated time.

6. This court, vide order dated 19.06.2025 has granted further time to complete the rectification works in accordance with the sanctioned plan till 16.07.2025 and subsequently granted further more time till 31.07.2025, vide order dated 17.07.2025. However, the petitioners have not complied the said orders. It appears from the records that 31.07.2025, the 2nd respondent has



issued lock and seal notice. Today, the learned counsel for the petitioners seeks further time to complete the rectification works.

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7. Despite granting of sufficient time, the petitioners have not completed the rectifications works, thereby failed to comply the orders passed by this court. Therefore, this court is not inclined to grant any further time and also find no reason to interfere with the impugned order passed by the 2nd respondent. the writ petition deserves dismissal.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)

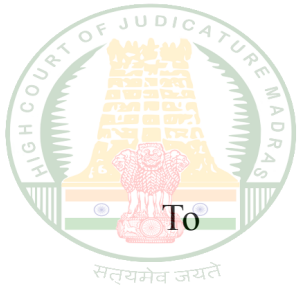
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Index: Yes/No

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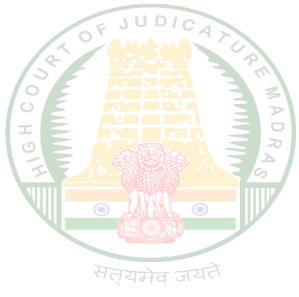


To

1. Principal Secretary to The Government
Housing And Urban Development, Secretariat,
Fort St. George, Chennai-09.

2.The Executive Officer
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