



W.P.No.28353 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 29.07.2025

C O R A M

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

**W.P.No.28353 of 2025 and**  
**W.M.P.No.31748 of 2025**

Hema Chandran

... Petitioner

-VS-

1. The District Collector of the Nilgiris,  
Collectorate,  
Udhagamandalam,  
The Nilgiris.

2. The Commissioner,  
Kotagiri Municipality,  
Kotagiri, The Nilgiris.

3. Raghupathi ... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action against the 3<sup>rd</sup> respondent for putting up an unauthorized construction in S.No.1110/13 in Kotagiri Taluk , The Nilgiris District and to demolish the same.

For Petitioner : Mr.L.Mouli  
For R1 & R2 : Mr.M.Venkateswaran  
Spl. Govt. Pleader

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**ORDER**



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(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the respondents 1 and 2 to take necessary action against the 3<sup>rd</sup> respondent for putting up an un-authorized construction in S.No.1110/13 in Kotagiri Taluk, The Nilgiris District and to demolish the same.

2. Mr.M.Venkateswaran, learned Special Government Pleader takes notice for R1 & R2. Notice to R3 is dispensed with, as no adverse order is going to be passed against him. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that the 3<sup>rd</sup> respondent, who is her adjacent owner of the property started constructing a three storeyed building, which is disproportionate to the plot size and no set backs have been maintained on any side. In terms of the provisions of Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993, the height of a building shall not exceed 7 metres and the building raised by the 3<sup>rd</sup> respondent does not follow the said norms and the building has been



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constructed without any approval. Though the petitioner along with her brother has given a representation dated 10.07.2025 to the respondents 1 & 2 to stop the illegal construction, it did not evoke any response. Hence, the petitioner is before this Court.

4. Though the petitioner has come out with a larger prayer, the learned counsel for the petitioner would submit that it would suffice, if the 2<sup>nd</sup> respondent is directed to consider the representation of the petitioner.

5. Learned Special Government Pleader appearing for the respondents 1 & 2 stated that a considerable time may be granted to the 2<sup>nd</sup> respondent for considering and passing appropriate orders on the representation of the petitioner.

6. Considering the facts and circumstances of the case and also the submission of the counsel for the petitioner, we deem it fit that it would suffice to direct the 2<sup>nd</sup> respondent to consider the representation of the petitioner dated 10.07.2025 to the 2<sup>nd</sup> Respondent. Accordingly, this Court,



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without expressing any opinion on the merits of the matter, directs the 2<sup>nd</sup> respondent to consider the representation dated 10.07.2025, by giving an opportunity of personal hearing to the petitioner and R3 and thereafter, take action in accordance with law. Such an exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

**(J.N.B,J.,) (M.J.R,J.,)**  
**29.07.2025**

Index: Yes / No  
Internet: Yes / No  
Speaking Order/Non Speaking Order  
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To:

1. The District Collector of the Nilgiris,  
Collectorate,  
Udhagamandalam,  
The Nilgiris.
2. The Commissioner,  
Kotagiri Municipality,  
Kotagiri, The Nilgiris.



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**J.NISHA BANU, J.**

**AND**

**M.JOTHIRAMAN, J.**

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