



W.P.No.48922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.48922 of 2025
and W.M.P.No.54648 of 2025

Saifa Khader
D/o.N.Allaudeen
Door No.14/15, Mount Road,
Coonoor-2
The Nilgiris District.

Petitioner

Vs

- 1.The Commissioner,
Coonoor Municipality,
The Nilgiris District.
- 2.The Special Secretary to Government,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai 600 009

Respondents



W.P.No.48922 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the 2nd respondent dated 6.11.2025 made in letter No.11552/NaNe.1/2023-3, quash the same and direct the respondents to permit the petitioner to occupy the 1st and 2nd floor from the road and to close the basement 1st and 2nd floor in Door No.14/15 Mount Road, Coonoor comprised in Survey TS No.45 part, Ward-B, Block-20.

For Petitioner: Mr.M.Devaraj

For Respondents: Dr.T.Seenivasan
Special Government Pleader
for respondent No.1

Mr.E.Vijay Anand
Addl. Government Pleader
for respondent No.2

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Having given patient hearing to learned counsel for the petitioner in the matter of challenge to the order dated



W.P.No.48922 of 2025

6.11.2025 rejecting the application/appeal filed by the petitioner seeking exemption, we find that after the order was passed by this Court in the first round of litigation, the authority had considered the petitioner's prayer for grant of exemption under the scheme of Section 217-Q of the Tamil Nadu District Municipalities Act, 1920 (*the Act*).

While taking into consideration the prayer seeking exemption, the authority considered its own circular/policy dated 17.06.2016. Application of mind as to whether present is a case of exemption or not is reflected from consideration of the provisions under Section 217-Q of the Act and its own circular/policy providing for limited exemption in so far as set back violations are concerned.

3. On the face of it, it is a case where a commercial construction on hills was raised without any permission whatsoever.

4. Therefore, in that view of the matter, we do not find any



W.P.No.48922 of 2025

case to grant indulgence in exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India so as to protect a completely illegal construction, that too, in the hill area.

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

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
02.01.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Commissioner,
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W.P.No.48922 of 2025

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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W.P.No.48922 of 2025

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