



WEB COPY

WP No. 19617 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

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THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 19617 of 2020

and

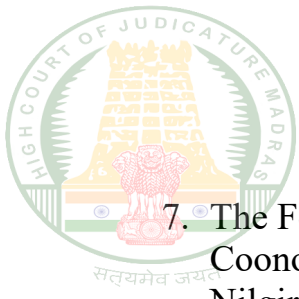
WMP No.24242 of 2020

Sanjay Narayanan
The Director, Nature Resort and Spa India Pvt Ltd,
Kurumbadi, coonoor, Nilgiris District,
(Formerly known as cosmos Resorts India Pvt Ltd)

..Petitioner(s)

Vs

1. The Commissioner,
Commissioner of Land Administration,
Chepauk, chennai-600005.
2. The Collector,
The Nilgiris District,
Udagamandalam.
3. The District Forest Officer,
The North Division,
Udagamandalam.
4. The President
Barliar Village Panchayath,
Kurumbadi, coonor,
The Nilgiris District.
5. The Revenue Divisional Officer
Coonoor, Udagamandalam District.
6. The Tahsildar,
Coonoor Taluk,
Udagamandalam.



7. The Forest Range Officer,
Coonoor Range, Coonoor,
Nilgiris District 643102.

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..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus, calling for the records of 1st respondent in proc.No. E3 / 6734 / 2019 dated 11.08.2020 and quash the same and directing the respondents to grant permission for the usage of the cart track in S.No.288/1, 289/1, 2 and 290/1, 2 to an extent of 0.20.0 Hectare (0.50 acres) in Barliyur Village, Coonoor Taluk, Nilgiris District.

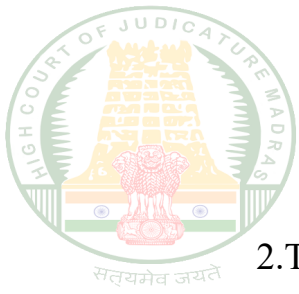
For Petitioner(s): Mr.V.Manohar

For Respondent(s): Mr.V.Ravi, Special Government Pleader for
Mr.R.Kumaravel, AGP for the respondents.

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

This writ petition is filed challenging the records of 1st respondent in proc.No. E3 / 6734 / 2019 dated 11.08.2020 and quash the same and directing the respondents to grant permission for the usage of the cart track in S.No.288/1, 289/1, 2 and 290/1, 2 to an extent of 0.20.0 Hectare (0.50 acres) in Barliyur Village, Coonoor Taluk, Nilgiris District.



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2.The writ petitioner holds the patta for land in Survey Nos. 41/1 and 41/3 (corresponding to New Survey No. 164/386). He constructed residential units on the approximately 9.94-acre plot after obtaining the necessary planning permission. Subsequently, in 2004, he received permission from the District Collector to convert these units for commercial use, resulting in a property tax increase of more than 20%.

3.The revenue authorities initially considered leasing the village cart track in front of the property to the writ petitioner at an annual rent of ₹30,000. However, because the track serves as a common pathway for villagers and tribals to access their lands and residences, the committee subsequently determined that a lease could not be granted. Despite extensive correspondence and a writ petition seeking a direction to the District Forest Officer to consent to the lease, the request for exclusive leasehold rights over 450 acres of Government land—classified as Reserved Forest and unassessed waste in Survey Nos. 288/1, 289/1, and 289/2—was ultimately rejected. By the impugned order dated 11.08.2020, the Commissioner of Land Administration denied the petitioner’s request, holding as follows:

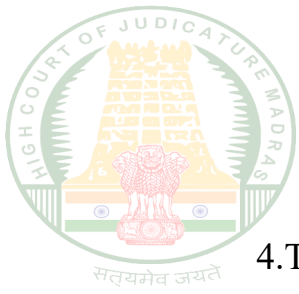
“13.On scrutiny of records reveals that the applicant has obtained building plan approval for approval for residential



purpose and utilizing the buildings of commercial purpose in violation plan approval. The regularization of building plan has also not been approved by the Architectural and Aesthetics Aspects Committee (AAA) and Hill Area Conservation Authority (HACA) Committee. Further, the Forest Department has also raised objection for leasing of subject land in favour of M/s.Cosmos Resorts India Pvt.Ltd. It is essential to safeguard the ecology and construction of building should also be in accordance with the norms as approved by the Hill Area Conservation Authority (HACA) Committee. It is therefore held proved that the applicant has not obtained proper building plan approval and as such leasing Government land for the purpose of approach road to reach the unauthorized buildings can not be considered.

14.In view of the above findings, the request of the applicant to lease out an extent of 0.50 acre of Government land classified as Reserved Forest and UnAssessed Waste in S.No.288/1, 289/1, 289/2 in favour of M/s.Cosmos Resorts India Pvt.Ltd., is hereby rejected as devoid of merits. The District Collector, the Nilgiris is directed to resume the land back to Government possession and also to collect the appropriate penalty from the encroacher, on the basis of applicable lease rent for the period of occupation of Government land, by revising the penalty, once in 3 years and collect the same by adopting due procedure of law and furnish compliance report expeditiously. This case is disposed off, accordingly.”

Order dated ..



4.The learned counsel for the appellant argued at length that the cart track provides the sole access to the petitioner's patta land and that the petitioner is willing to maintain the land if the lease is granted. Previously, both the Revenue and Forest Departments had no objection to the lease, which was granted to the petitioner periodically subject to certain conditions. Therefore, the counsel contended that there should be no impediment to the respondents granting a lease to the writ petitioner under similar terms.

5.The learned Special Government Pleader submitted that the impugned order of the Commissioner of Land Administration (CLA) is legally sustainable. He contended that reserved forest land cannot be leased to private individuals under any circumstances. Furthermore, since the subject cart track provides essential access to local villagers and tribals, it cannot be leased to the writ petitioner for the purpose of carrying out commercial activities.

6.We find force in the submissions made by the learned Special Government Pleader. While the writ petitioner may not have a right to seek a lease of the land, even with conditions, his right to use the cart track—like any other member of the public—cannot be restricted. Therefore, we are of the view that his right of ingress and egress to his property through the subject land in Survey Nos. 288/1, 289/1, and 289/2 shall not be deprived. Beyond this right of



ingress and egress via the said cart track, the writ petitioner cannot claim any other exclusive right over it.

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7. Accordingly, with the above clarifications and directions, the writ petition stands disposed of. Consequently, connected miscellaneous petition is also closed.

(G.J.,J.)

(S.S.A.,J.)

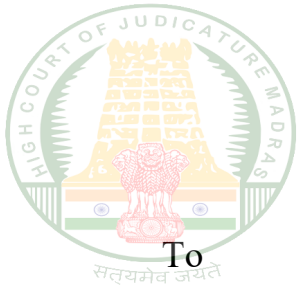
20-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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**DR.G.JAYACHANDRAN, J.
AND
SHAMIM AHMED, J.**

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