



W.P(MD)No.2389 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.2389 of 2022
and
WMP (MD) No.2062 of 2022**

Bharathiyar Illaignar Narpani Mandram
Rep. by President

... Petitioner

VS.

1. The Block Development Officer,
Munchirai Panchayath Union,
Puthukadai - Post,
Kanyakumari District.

2. President,
Painkulam Village Panchayath,
Painkulam - Post,
Painkulam Village,
Killiyoor Taluk,
Kanyakumari District.

3. Ajitha

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari calling for the records relating to the



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impugned order of cancellation of building plan and direction to demolish building bearing Door No.19-17C in Re-Survey No.144/10B of Painkulam Village in Vilavancode Taluk of Kanyakumari District, passed by the 1st respondent in Che.Mu.Ka.No.A-9/5989/2021 dated 21.01.2022 and quash the same as illegal.

For Petitioner : Mr. S.Kumar
For Respondents : Mr.M.Mahaboob Athiff, SGP (R1)
: Mr.M.Ganeshkumar (R2)
: Mr.S.Sivakumar (R3)

ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

Aggrieved by the cancellation of the building plan approval by the order dated 21.01.2022 passed by the first respondent, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner would submit that the petitioner-society is the owner of the property in Survey No.144/10B and has constructed a library with the proper approval from the Executive Authority of the Village Panchayat. One Ajitha, wife of Senthilkumar, made a representation for



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removal of the encroachment in Survey No.139/5C. However, no action was taken. Hence, she filed a writ petition before this Court in W.P.(MD) No.13421 of 2021. This Court, by its order dated 28.09.2021, issued a direction to the respondents to consider the said representation and pass orders, pursuant to which the impugned order is passed by cancelling the planning permission granted by the Block Development Officer. Challenging the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner would further submit that the Block Development Officer, though having no power to cancel the building plan approval granted by the Executive Authority, has without jurisdiction, passed the impugned order, which is not sustainable. Further, without providing any opportunity to the petitioner, the impugned order has been passed, which is in violation of the principles of natural justice. Accordingly, he prays for appropriate orders.

4. Per contra, the learned Special Government Pleader appearing for the official respondents would submit that this Court, by its order dated



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28.09.2021, specifically directed the Block Development Officer to consider the petitioner's application and pass orders. Thereby, the present impugned order is passed. However, the present impugned order is passed without providing any opportunity to the petitioner. Hence, this Court may set aside the impugned order and remand the matter back to the competent authority to pass appropriate order.

5. We have considered the rival submissions and perused the materials available on record.

6. It is not in dispute that this Court, by order dated 28.09.2021 in W.P.(MD) No.13421 of 2021, directed the competent authority to consider the representation and pass appropriate orders. Pursuant thereto, the impugned order has been passed cancelling the planning permission granted in favour of the petitioner. However, it is evident from the records that the impugned order has been passed without affording an opportunity of hearing to the petitioner.

7. In view of the above, without expressing any opinion on the merits of the matter, we are of the view that the impugned order cannot be sustained and is liable to be set aside on the ground of violation of the principles of natural



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justice. Accordingly, the impugned order dated 21.01.2022 is set aside and the matter is remitted to the competent authority for fresh consideration. The competent authority shall conduct a proper field survey/inspection in the presence of the petitioner, the third respondent/Ajitha and the neighbouring landowners, after issuing due notice to all concerned and thereafter pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]
19.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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