

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

WRIT PETITION No.5720 of 2016

Thirumurugan

...Petitioner

vs.

1. The Director,
Directorate of Town and Country Planning,
Anna Salai,
Chennai - 600 002.
 2. The Commissioner,
Udhagamandalam Municipality,
Nilgiris - 643 212
- ...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, or order, or direction calling for the records in respect of the reply letter issued by the 2nd respondent vide letter No.Na.Ka.En.13931/2015/Ep1 dated 03.12.2015, quash the same.

For Petitioners : Mr. G.Thiyagarajan

For Respondents : Mr.K.Dhananjeyan - for R1
Special Government Pleader,
Mr.P.Srinivas - for R2

O R D E R

The petitioner's application for seeking permission to construct a house was rejected, on the ground that the proposed construction would be hit by Rule 7(2) of the Tamil Nadu District Municipalities (Forest Area Building Rule 1993) Act 1920.

2.The learned Counsel for the petitioner disputes the extent apart from contending that the petitioner's immediate neighbour was given permission to put up a construction. Incidentally, it is submitted that the petitioner has not been heard.

3.Considering the submissions made, without going into the merits of the case, the order impugned is set aside, on the sole ground, for want of notice before passing impugned order.

Accordingly the writ petition is allowed and the respondent is directed to issue notice to the petitioner and hear him in person and thereafter, pass an order giving a specific finding with respect to the allegation pertaining to his neighbour, within a period of eight(8) weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Director,
Directorate of Town and Country Planning,
Anna Salai,
Chennai - 600 002.

2. The Commissioner,
Udhagamandalam Municipality,
Nilgiris - 643 212

+1 CC to Mr. G.Thiyagarajan, Advocate sr 18561
+1 CC to Mr. P. Srinivas, Advocate sr 18861
+1 CC to The Govt. Pleader sr 18804

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RJ(CO)
sp/7/4

सत्यमेव जयते

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