



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.05.2017
CORAM:

WEB COPY

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P(MD)No.9034 of 2017
and
W.M.P(MD)Nos.6900 to 6902 of 2017

D.Arunodhayam ... Petitioner

Vs.

1.The Secretary to Government,
Housing & Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Kumbakonam Municipality, Kumbakonam.

3.The Member Secretary,
Kumbakonam Local Planning Authority,
Kumbakonam, Thanjavur District.

... Respondents

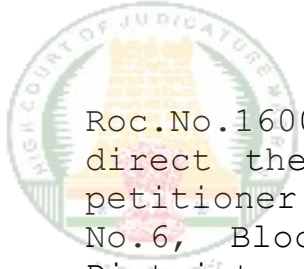
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned of the second respondent in Roc.No.16009/2016/D1, dated 15.02.2017, quash the same and consequently direct the respondents herein to consider regularization of the petitioner's premises in Plot No.190, in T.S.No.1036 part, Ward No.6, Block No.17, John Selvaraj Nagar, Kumbakonam, Thanjavur District, with additional documents furnished by the petitioner.

For Petitioner : Mr.Veera Kathiravan Senior Counsel
for M/s.Veera Associates
For Respondents : Mr.T.R.Janarthanam,
Additional Government Pleader

O R D E R

(Order of the court was made by N.SESHASAYEE, J.)

This Writ Petition has been filed by the petitioner,
challenging the order passed by the second respondent in



Roc.No.16009/2016/D1, dated 15.02.2017, quash the same and to direct the respondents herein to consider regularization of the petitioner's premises in Plot No.190, in T.S.No.1036 part, Ward No.6, Block No.17, John Selvaraj Nagar, Kumbakonam, Thanjavur District, with additional documents furnished by the petitioner.

2. Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents.

3. By consent of both parties, the main Writ Petition itself is taken up for final disposal.

4. The grievance of the petitioner is that based on the impugned order, the petitioner's premises was locked and sealed, without giving opportunity of hearing to the petitioner. It is his further grievance that he has not been heard effectively before revocation of the permission granted for construction of the subject building. It is further stated by the petitioner that though prior notices were issued to one Dhanapal, who is the father of the petitioner, he has nothing to do with the subject premises and only the petitioner is in occupation of the premises.

5. Heard the submissions made on either side and perused the materials available on record.

6. On perusal of the materials placed before this Court, we are satisfied that the petitioner deserves an effective hearing and therefore, the petitioner may be given an opportunity of hearing in this matter.

7. In the result, this Writ Petition is allowed and the order of the second respondent, dated 15.02.2017, is hereby set aside and the matter is remitted back to the second respondent for fresh consideration and the second respondent shall consider the matter afresh and pass appropriate orders on merits and in accordance with law, after giving opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the enquiry. The second respondent is directed to remove the lock and seal of the above mentioned premises today itself. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation officer

/True copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
Housing & Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Kumbakonam Municipality,
Kumbakonam.

3.The Member Secretary,
Kumbakonam Local Planning Authority,
Kumbakonam, Thanjavur District.

+1 CC to M/s. VEERA ASSOCIATES, Advocate, SR No. 56688

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 56922

PM

PSM/RSK/SAR3/19.05.2017/3P/6C

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