

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.26901 of 2011

M.Ashokan

.. Petitioner

-vs-

1.The District Collector,
Office of the District Collector,
Nilgiri District.

2.The President,
Jackannarai Panchayat,
Aravenue,
Nilgiri District - 643 201.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records relating to the order passed by the second respondent dated 05.11.2011 and to quash the same.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.V.Shanmugha Sundar,
Special Government Pleader
for R1

Mrs.K.Bhuvaneswari for R2

सत्यमेव जयते
ORDER

The petitioner has filed the writ petition challenging the impugned order dated 05.11.2011 passed by the second respondent.

2.Learned counsel appearing for the petitioner submitted that the petitioner purchased a house site and constructed the building as per planning permission given by the respondents as early as on 18.04.2011. Subsequent to completion of the building, the second respondent has issued no objection certificate for getting electricity connection and for the assessment of property tax. Learned counsel appearing for the petitioner would further submit that when the petitioner has been paying regularly the property tax and electricity charges,

the second respondent cannot cancel the planning permission on the ground that prayers are conducted in the house of the petitioner as the same are conducted among his family members and that too without any disturbance. Therefore, the impugned order ought not to have been passed without giving any opportunity of hearing to the petitioner and hence, the same is liable to be set aside as it violates the principles of natural justice.

3.No counter affidavit has been filed by the respondents. An affidavit of undertaking dated 17.09.2019 has been filed by the petitioner. It is relevant to extract paragraphs 3 and 4 as under:

4.A perusal of the undertaking given by the petitioner would show that he was issued with the planning permission on 18.04.2011 and the entire construction of the building has been completed without violating the terms and conditions of the planning permission. Therefore, the respondents cannot cancel the planning permission given to the petitioner on their whims and fancies. Moreover, the impugned order does not speak about the issuance of notice to the petitioner calling upon him to give his explanation.

5.Accordingly, in the light of the undertaking given by the petitioner, the writ petition stands disposed of. No costs.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

vga
To

The District Collector,
Office of the District Collector,
Nilgiri District.

+1 CC to Mr.V.Karthikeyan, Advocate sr 79888
+1 CC to Govt. Pleader sr 80717.

W.P. No.26901 of 2011

VGII (CO)
SP (24/10/2019)