

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.14342 of 2019
and W.M.P.No.14404 of 2019

S.Manikandan

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep.by Additional Secretary (Technical),
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
3. The Executive Engineer - 2,
Greater Chennai Corporation,
Zone V, Royapuram,
No.61, Basin Bridge Road,
Chennai - 600 021.
4. The Assistant Executive Engineer,
Greater Chennai Corporation,
No.9, Kannappar Thidal,
Periamet, Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records on files of 1st respondent for order being Letter No.19740/UD-VI(2)2018-3 dated 12.04.2019 and quash the same.

For Petitioner : Mr.R.Thiagarajan,
Senior Counsel
for M/s.Aiyar and Dolia

For Respondents : Mr.J.Ramesh
Additional Government Pleader
for R1

Mr.G.Anantharangan for R2 to R4

O R D E R

[Order of the Court was delivered by C.V.KARTHIKEYAN,J.]

The writ petition has been filed seeking in the nature of Certiorari, to call for the records of the 1st respondent in Letter No.19740/UD-VI(2)2018-3 dated 12.04.2019 and quash the same.

2.It is the contention of Mr.R.Thiagarajan, learned Senior Counsel, who appeared in the matter, that the impugned order suffers from vital deficiency in view of the fact that no personal hearing was given to the petitioner before passing the impugned order. The impugned order is an Appeal under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 against the locking and sealing and demolition notice issued by the Greater Chennai Corporation on the premises at Corporation of Chennai Division-58, Unit-14, Zone-V Building at No.1, Kandappa Street, Choolai, Chennai - 600 112.

3.We are not inclined to go into the facts of the case, since it had been stated that no opportunity was granted to the petitioner before passing the impugned order. Grant of personal opportunity is mandatory. In this connection Mr.R.Thiagarajan, pointed out the reference in the impugned order in which there is no reference regarding grant of personal hearing or regarding any further representation issued by the petitioner herein.

4.It is also stated by the learned counsel for the 4th respondent that they received the notice only on 16.03.2019 for the hearing date 14.03.2019.

5.Since the impugned order has been passed without affording proper opportunity to both the petitioner and also to the fourth respondent, we have no hesitation in quashing the same, however, granting liberty to proceed further, after issuing notice and affording an opportunity of personal hearing, if required to all the stake holders concerned. Thereafter, fresh orders may be passed in accordance with law.

6.The writ petition is allowed in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/vga

To

1. The Additional Secretary (Technical) to
The Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
3. The Executive Engineer - 2,
Greater Chennai Corporation,
Zone V, Royapuram,
No.61, Basin Bridge Road,
Chennai - 600 021.
4. The Assistant Executive Engineer,
Greater Chennai Corporation,
No.9, Kannappar Thidal,
Periamet, Chennai - 600 003.

+1 cc to the Government Pleader, S.R.No.44029

Writ Petition No.14342 of 2019
and W.M.P.No.14404 of 2019

RSV(CO)
SSM(29/05/2019)

WEB COPY