

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:29.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.14656 of 2019

and

W.M.P.No.14649 of 2019

Tmt.Kavitha Arul

.. Petitioner

/versus/

1.The Commissioner and Secretary,
Housing and Urban Development Department,
St.George Fort,
Chennai 600 009.

2.The Commissioner,
Town and Country Planning,
807, Anna Salai,
Chennai 600 002.

3.The Assistant Director,
Local Planning Authority,
Plot No.1, Vallalar Street,
Minn Nagar,
Backside of Stadium,
Kancheepuram.

4.The Commissioner,
Kancheepuram Municipality,
Kancheepuram.

5.The Block Development Officer,
Panchayat Union,
Kancheepuram.

6.The Secretary,
Ayyapa Nagar West Residents Welfare Association,
No.7/23, Thiruparuthikundram Road,
Ayyapa Nagar West,
Kancheepuram 631 501.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records in Na.Ka.No.206/2019 Ka.Vu.Thi.Ku, dated 25.03.2019 on

the file of the 3rd respondent herein, quash the entire proceedings in Na.Ka.No.206/2019 dated 24.04.2019.

For Petitioner :Mr.R.Devasenar

For Respondents:Mr.N.Inbanatha,AGP for R1,2,3and 5
Mr.G.B.Rajesh, GA, for R4
Mr.P.P.Shanmuga Sundaram for R6

O R D E R

This writ petition is filed challenging the show cause notice dated 25.03.2019 issued by the third respondent calling for explanation from the petitioner regarding the alleged purchase of land earmarked for public purpose. The petitioner instead of giving his explanation to the show cause notice has directly approached this Court by way of Writ petition.

2. The learned counsel appearing for the petitioner would contend that the third respondent has no authority to issue show cause notice, which is not inconsonance with the law.

3. The third respondent being the Assistant Director, Local Planning Authority is entitled and empowered to look into any violation of layout plan approval granted by the authority. Therefore, the contention of the petitioner on this ground is unsustainable and rejected. Since the petitioner has approached this Court with unclean hands to subvert the legal proceedings initiated by the third respondent, the writ petition is liable to be dismissed with costs. Accordingly, this writ petition is dismissed with cost of Rs.5,000/- payable to the State Legal Services Authority, Chennai. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner and Secretary,
Housing and Urban Development Department,
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Chennai 600 009.

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Kancheepuram.
- 4.The Commissioner,
Kancheepuram Municipality,
Kancheepuram.
- 5.The Block Development Officer,
Panchayat Union,
Kancheepuram.

Copy to:

The Officer in Charge
State Legal Service Authority,
Chennai.

+1cc to Mr.G.B.Rajesh, Advocate SR.75721
+1cc to Mr.P.P.Shanmuga Sundaram, Advocate, SR.74400
+2cc to Mr.R.Devaseenan, Advocate SR.74344
+1cc to the Government Pleader SR.75619

W.P.No.14656 of 2019

PA(CO)
CB(14/10/2019)