IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.6236 of 2017

Mrs.V.Jayalakshmi .. Petitioner

Vs

The Commissioner/Special Officer,
Thiruverkadu Third Grade Municipality,
Thiruverkadu,
Chennai - 77. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records on the file of the respondent herein culminated in Na.Ka.No.179/2015/F1, dated 14.08.2015, and quash the same and consequently direct the respondent to restore the planning permit No.179/2015 and 180/2015, dated 03.02.2015 for the construction of second floor at Plot Nos.1 and 2, Andvar Nagar, Thiruverkadu Village, stiuate at Survey No.135/1, Thiruverkadu.

For petitioner : Mr.N.Sampath

For Respondent : Mr.R.Mohandoss, Standing Counsel

ORDER

Heard Mr.N.Sampath, learned counsel for the petitioner and Mr.R.Mohandoss, learned Standing Counsel for the respondent.

2. The petitioner is aggrieved by an order passed by the respondent municipality dated 14.08.2015, by which, the planning permission granted to the petitioner to put up the residential apartments was cancelled. The reason for cancellation is that the petitioner has produced bogus documents and attempted to obtain planning permission, though the petitioner sold the entire extent of 3520 sq.ft. to 12 persons by registered sale deed dated 26.08.2009 and 28.08.2009.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The petitioner's explanation is that it is true that the petitioner has sold undivided share in favour of 12 persons, of which, Tmt.Swarnalatha and Tmt.Banumathi have purchased undivided share of 311 sq.ft. each under four sale deeds registered as Document Nos.6140/2009, 6141/2009, 6274/2009 and 6275/2009. According to the petitioner, though 12 sale deeds have been executed for undivided share of land, only 10 residential apartments have been constructed and in respect of the remaining extent, 2 apartments each can be constructed, but, for which, the planning permission has to be obtained as the construction has to be put up in the second floor.

4. The correctness of the stand taken by the petitioner as stated above needs to be adjudicated by the respondent and this Court cannot venture into these disputed questions of facts at this juncture. Therefore, the writ petition is disposed of by directing the petitioner to treat the impugned proceedings as show cause notice and submit copies of all the documents in respect of her claim to establish that there is no forgery or fraud committed by the petitioner. The petitioner is directed to give her explanation within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider the same and pass a speaking order on merits and in accordance with law, after affording an opportunity of personal hearing to the authorized representative of the petitioner, within a period of six weeks therefrom. No Costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

rkm
To

The Commissioner/Special Officer,
Thiruverkadu Third Grade Municipality,
Thiruverkadu,
Chennai - 77.
+1 cc to Mr.N.Sampath Advocate sr8467
+1 cc to Mr.R.Mohandass Advocate sr8485

W.P.No.6236 of 2017

nmi(co)
aa10/03/2020

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/