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W.P.(MD) No.6744 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

**W.P. (MD) No.6744 of 2020**

**and**

**W.M.P. (MD) Nos.6119 & 6121 of 2020**

(Through Video Conferencing)

D.Kishor

... Petitioner

Vs.

1.The Director,  
Directorate of Town and Country Planing,  
Head Office, No.807,  
Anna Salai, Chennai - 600 001.

2.The Deputy Director,  
Office of the Deputy Director of Town  
and Country Planning,  
Tiruchirappalli Region,  
Kajamalai Main Road, Trichy - 23.

3.The Assistant Director,  
Office of the Assistant Director of Town  
and Country Planning,  
Tiruchirappalli Region,  
Kajamalai Main Road, Trichy - 23.

4.The District Collector,  
Collectorate,  
Trichy District, Trichy.

5.The Thasildar,  
Thuraiyur Taluk,  
Trichy District.

6.The Block Development Officer,  
Block Development Office,  
Thuraiyur, Trichy.

7.The Sub Registrar,  
Sub Registrar Office,  
Thuraiyur, Trichy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to  
<https://hservices.ecourts.gov.in/hservices/>



call for the records of the impugned order passed by the 3<sup>rd</sup> respondent herein in his proceedings in **ந.க.எண்.1427/2019 தீம2** dated 20.03.2020 received on 16.05.2020 and quash the same as illegal and further direct the 3<sup>rd</sup> respondent to re-enquire the issue after making a spot visit in the layout in dispute and also afford opportunity of hearing and pass fresh orders in accordance with law within a time stipulated by this Court.

For Petitioner: Mr.D.Nallathambi

For R1 to R6 : Mr. J.Padmavathi Devi  
Special Government Pleader

For R7 : Mr.V.Anand  
Government Advocate

**O R D E R**

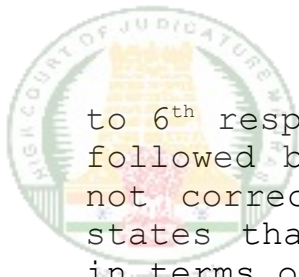
Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1<sup>st</sup> to 6<sup>th</sup> respondents and the learned Government Advocate appearing for the 7<sup>th</sup> respondent.

2. This Writ Petition has been filed, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3<sup>rd</sup> respondent herein in his proceedings in **ந.க.எண்.1427/2019 தீம2** dated 20.03.2020, for quashing the same as illegal and to direct the 3<sup>rd</sup> respondent to re-enquire the issue after making a spot visit of the layout in dispute and also to afford an opportunity of hearing and pass fresh orders in accordance with law.

3. The learned counsel for the petitioner submits that the impugned order dated 20.03.2020 has been passed by the 3<sup>rd</sup> respondent based on the six documents which are forming part of the subject in the impugned order. He also submits that the petitioner got an approval of the plan on 17.07.2018. However, by the impugned order, the approval of the plan has been revoked based on the memo dated 12.03.2020 issued by the District Collector, Tiruchy District, copy of which was not furnished to petitioner.

4. It is further contention of the learned counsel for the petitioner that before passing impugned order, the 3<sup>rd</sup> respondent did not call for the petitioner to be heard or issued any show cause notice as to why the earlier approval order dated 17.07.2018 passed by the 3<sup>rd</sup> respondent should not be cancelled.

5. The learned Special Government Pleader appearing for the 1<sup>st</sup>



to 6<sup>th</sup> respondents submits that there was no error in the procedure followed by the respondents since the earlier approval order was not correct and the impugned order of the 3<sup>rd</sup> respondent merely states that the approval granted on 17.07.2018 will be cancelled in terms of the memo dated 12.03.2020 of the District Collector.

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6. Be that as it may, since the impugned order proposes to cancel the approval without following principle of natural justice, I am inclined to remit the case back to the 3<sup>rd</sup> respondent to pass a fresh order after inspecting of the property and hearing of the petitioner.

7. The impugned order shall be treated as a Show Cause Notice. The copy of the memo dated 12.03.2020 of the District Collector, which is serial No.6 of the subject of the impugned order, shall also be furnished to the petitioner within a period of 15 days from the date of receipt of a copy of this order and thereafter, call upon the petitioner for personal hearing before passing appropriate orders.

8. Oral undertaking of the learned counsel for the petitioner on behalf of the petitioner that the petitioner will not effect any transfer of the property, pending disposal of the fresh proceedings of the 3<sup>rd</sup> respondent, stands recorded.

9. It is further made clear that as and when the property is inspected by the officers of the respondents, notice also shall be issued to the petitioner to be present at the site. It is also made clear that the 3<sup>rd</sup> respondent shall pass appropriate orders within a period of 45 days thereafter.

10. This Writ Petition stands disposed of with the above directions and observations. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

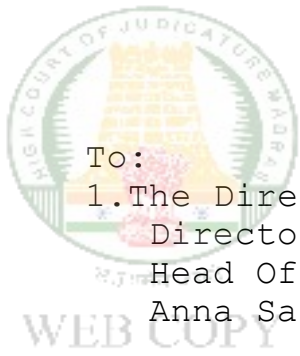
Assistant Registrar (AD II)

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/ /2020

Sub Assistant Registrar (CS)

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To:

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