



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)Nos.14427 & 14428 of 2020

and

W.M.P. (MD) .Nos.12075 & 12076 of 2020

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W.P. (MD)No.14427 of 2020

A.Solamalalai

... Petitioner

Vs

1.The Deputy Director of Town and Country Planning,
Sivagangai.

2.The District Collector,
Sivagangai, Sivagangai District.

3.The Block Development Officer,
Sakkottai Panchayat Union, Sivagangai.

4.The President,
T.Soorakkudi Panchayat,
Sakkottai Panchayat Union, Sivagangai District.

5.The Executive Officer,
Kottaiyur Panchayat,
Velangudi Village, Kottaiyur Post,
Sivagangai District.

6.The Sub Registrar Joint-II,
Karaikudi, Sivagangai District.

7.The Inspector of Police,
Kunrakudi Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent dated 23.09.2020 in Na.Ka.No.336/2020(1)/Ci.Ma-2 and quash the same.

W.P. (MD)No.14428 of 2020

S.Bagavathi

... Petitioner

Vs

1.The Deputy Director of Town and Country Planning,
Sivagangai.



2.The District Collector,
Sivagangai, Sivagangai District.

3.The Block Development Officer,
Sakkottai Panchayat Union, Sivagangai.

4.The President,
T.Soorakkudi Panchayat,
Sakkottai Panchayat Union, Sivagangai District.

5.The Executive Officer,
Kottaiyur Panchayat,
Velangudi Village, Kottaiyur Post, Sivagangai District.

6.The Sub Registrar Joint-II,
Karaikudi, Sivagangai District.

7.The Inspector of Police,
Kunrakudi Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent dated 23.09.2020 in Na.Ka.No.336/2020(2)/Ci.Ma-2 and quash the same.

For Petitioner : Mr.AL.Kannan

For R-1 to R-3

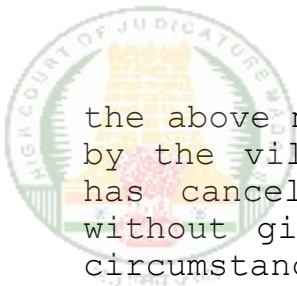
R-5 to R-7 : Mrs.M.Rajeswari
Government Advocate
(In both Writ Petitions)

COMMON ORDER

These Writ Petitions have been filed challenging the impugned orders dated 23.09.2020, passed by the first respondent, cancelling the lay out approvals, granted to the respective petitioners on 13.12.2019 and 24.12.2019.

2. Heard Mr.AL.Kannan, learned counsel appearing for the petitioners and Mrs.M.Rajeswari, learned Government Advocate, accepts notice on behalf of the respondent Nos.1 to 3 and 5 to 7. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3. It is the case of the respective petitioners that they have obtained lay out approvals for their respective lands at Kadambavanam Village, Thiruvelangudi Group, Sakkottai Union, Karaikudi Taluk, Sivagangai District, from the first respondent, on



the above mentioned dates. But, based on the false complaints given by the villagers, the first respondent under the impugned orders, has cancelled the lay out approvals, arbitrarily, illegally and without giving any notice to the respective petitioners. In such circumstances, these Writ Petitions have been filed.

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4. The learned counsel appearing for the petitioners drew the attention of this Court to the lay out approvals obtained by the respective petitioners earlier and to the complaints given by the villagers, based on which, the impugned orders have been passed by the first respondent. He pointed out that the survey numbers mentioned in the complaints and the lay out approvals are totally different. Further, he would submit that even in the discussion part of the impugned orders, the survey numbers mentioned are different, though the first respondent has mentioned the survey numbers of the petitioners' lay outs in the subject part of the impugned orders.

5. Mrs.Rajeswari, learned Government Advocate, appearing for the respondent Nos.1 to 3 and 5 to 7 would submit that the respective petitioners have encroached upon the Government lands, where water channel passes through. According to her, based on the complaints given by the villagers, the impugned orders have been passed as the respective petitioners have encroached upon the Government lands, where the water channel is passing through.

6. This Court has perused and examined the impugned orders as well as the complaints given by the villagers.

7. As seen from the impugned orders, no notice has been given to the respective petitioners by the first respondent before passing the impugned orders. Admittedly, lay out approvals were earlier granted to the respective petitioners for their respective lands. Having granted lay out approvals, after inspection, the first respondent ought not to have cancelled the lay out approvals, without affording any opportunity to the respective petitioners, to place all their objections, with regard to the said cancellation.

8. Therefore, this Court is of the considered view that principles of natural justice have been violated by the first respondent before passing of the impugned orders. This Court has also noticed that in the complaints given by the villagers, which the learned counsel appearing for the respective petitioners had pointed out before this Court, there seems to be some discrepancies with regard to the survey numbers mentioned in the complaints as well in the impugned orders. All these factors, will have to be considered afresh by the first respondent, after giving sufficient opportunity to the respective petitioners to raise all objections available to them under law and only thereafter, the first respondent can pass final orders, with regard to the cancellation of



the lay out approvals, which was earlier granted to the respective petitioners.

9. For the foregoing reasons, the impugned orders dated 23.09.2020, passed by the first respondent, against the respective petitioners, are hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on merits and in accordance with law, after affording sufficient opportunity to the respective petitioners, to place all their objections and also grant them personal hearing, within a period of eight weeks from the date of receipt of a copy of this order. In the meanwhile, it is made clear that the respective petitioners shall not alienate / encumber any of the plots in their respective lay outs.

10. With the aforesaid observations and directions, these Writ Petitions stand disposed of with liberty to the petitioners to raise all jurisdictional issues before the first respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Deputy Director of Town and Country Planning,
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2.The District Collector,
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Sivagangai District.

+1 CC to M/s.GP (SR-20463[F] dated 16/10/2020)

W.P. (MD)Nos.14427 & 14428 of 2020
15.10.2020

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NS (CO)

KK(04.11.2020) 5P 8C