

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.01.2021

CORAM

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.35343 of 2019
and WMP No.36170 of 2019

J.C.Williams

...Petitioner

vs.

The Commissioner,
Coimbatore Corporation,
Coimbatore

...Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records of the impugned order in Na.Ka.No.9102/2016/M.H.2, dated 18.10.2019 on the file of the respondent and quash the same.

For Petitioner ... Mr.R.Rajarajan
For Respondent ... Mr.Sathish Kumar,
Standing Counsel

ORDER

The petitioner, a Licensed Building Surveyor Grade-II of the respondent Corporation, has filed this Writ Petition as against the order passed by the respondent in Na.Ka.No.9102/2016/M.H.2 dated 18.10.2019, in and by which, the respondent has cancelled the license of the petitioner on the ground that the petitioner has given wrong building plan for S.Nos.199/Part, 200, 203 and 204 in LP/R CN.No.294/81.

2. The impugned order shows that by giving false information, the plan has been drawn by the petitioner in the places which were earmarked for public purposes like park, 30 feet road etc. as per the lay out. Hence, the license granted to the petitioner as Registered Engineer Grade-II was cancelled by the respondent Corporation.

3. Mr.Rajarajan, learned counsel for the petitioner submitted that the petitioner is working as Licensed Surveyor for the past 20 years and there was no complaint against him and even the said building plan which is referred to in the impugned order has been issued by him after making spot inspection and also after ascertaining the revenue records. Learned counsel

would also point out that the license has been cancelled without affording an opportunity of hearing and issuing show cause notice to the petitioner.

4. Learned counsel for the petitioner would further contend that he is not disputing the fact that the petitioner has issued the building plan approval for old Survey numbers viz., S.Nos.199/Part, 200, 203 and 20 as mentioned in the impugned order. However, his case is that the petitioner had verified the revenue records and also personally visited the property and thereafter, issued the building plan.

5. From the grounds raised by the petitioner, it appears that the building plan has been submitted without ascertaining the lay out approval granted by the Corporation. The petitioner is a approved Licensee for approving building plan in the respondent Corporation. Any building can be constructed within the Corporation limit only on the lay out which were approved by the Corporation. In this case, the petitioner has submitted a plan for the place which is meant for public purpose like park, road etc. Without even ascertaining the approved lay out of the respondent Corporation, the petitioner has given building plan approval. The petitioner has also not disputed the statement that the building plan approval was made without ascertaining the layout approval. Therefore, this Court is not inclined to interfere with the order passed by the respondent. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

The Commissioner,
Coimbatore Corporation,
Coimbatore

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.5006

W.P.No.35343 of 2019

SRA (CO)
KKV/22/02/2021