



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD)No.6119 of 2011

and M.P. (MD)Nos.1 of 2011 & 1 of 2013

J.Radha

... Petitioner

Vs.

The Commissioner,
Chinnamannur Municipality,
Chinnamannur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the order passed by the respondent in Na.Ka.No.2981/2010/A2, dated 18.04.2011 and quash the same as it is illegal.

For Petitioner	: Mr.R.Surianarayanan
For Respondent	: Mr.J.Parekh Kumar

ORDER

Heard the learned counsel on either side.

2.The petitioner filed this writ petition questioning the cancellation of the building plan earlier granted to him.

3.I went through the contents of the impugned order. No where it is mentioned that prior show cause notice was issued. The petitioner's counsel would submit that once the building plan granted, it cannot be cancelled by the very same authority. Thus, factual and jurisdiction issues have to be gone into. The respondent could not have passed the impugned order without notice to the petitioner. Hence, the impugned order is quashed and the matter is remitted back to the file of the respondent. I make it clear that I have not gone into the merits of the matter. The contentions of either side are left open.

4.This writ petition is allowed, on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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

The Commissioner,
Chinnamannur Municipality,
Chinnamannur.

W.P. (MD)No.6119 of 2011
08.01.2021

KMV (CO)
KB (04.02.2021) 2P 2C