



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32667 of 2014
and
M.P.Nos.1 & 2 of 2014

V.S.Muthupandian

... Petitioner

Vs

1. The Principal Secretary / Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2. The Zonal Officer,
Zone-VII, Corporation of Chennai,
Rippon Building, Chennai - 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent pertaining to his proceedings in ZO.VII.C.No.7982/2014 dated 19.11.2014 and quash the same.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mrs.B.Manimekalai

ORDER

The petitioner has challenged notice, dated 19.11.2014. He had applied for Planning Permission for construction of a building at Plot No.110, Murugan Sulochana Street, Survey No.426 (part) of Mogappair Village, Golden George Nagar, Chennai - 600 037, as early as in 2010, obtained the same, constructed a residential building and is residing there presently.

2. While this is so, impugned notice came to be issued by the first respondent, based upon a complaint from one B.Vijay, whose credentials appear to be rather mysterious, as neither a



copy of the said complaint is annexed to the show cause notice, nor are any details of the complaint mentioned therein. The impugned notice thus came to be issued to the petitioner, calling upon him to submit an explanation, as to why, the building permission granted not be revoked, in terms of Section 54 of the Town and Country Planning Act, 1971.

3. The challenge to the show cause notice is on the ground that the authority has predetermined the issue and therefore this Court is of the view that relegating the petitioner to the same Authority would serve no purpose, as, it is seen that, in un-numbered Paragraph No.4 of the impugned notice, the first respondent stated categorically that the sites, in question, falls under Land Ceiling Act.

4. This statement ought to have been proceeded by proper enquiry, which is yet to be undertaken. Thus, as the process initiated by the authority would require examination and determination of various factual particulars, I am inclined to direct the parties to proceed with the enquiry, though making it clear that the authorities shall approach the matter with an open and fair mind.

5. All materials, upon which they rely must be supplied to the petitioner and his response sought thereupon prior to deciding the issue. The petitioner will also be granted an opportunity of personal hearing prior to any order/decision being passed/taken against him. Pending writ petitions, the petitioner has been protected by interim stay granted on 12.12.2014, which shall continue for a period of 8 weeks from today, within which time, notice shall be issued to the petitioner, the petitioner heard and orders passed.

6. The impugned notice dated 19.11.2014 shall be taken to its logical conclusion, one way or the other. To facilitate and enable the aforesaid purpose, the petitioner shall appear before the first respondent without awaiting any further notice on Friday, the 22nd April 2022 at 10.30 a.m and further hearings shall be fixed by the authorities.

7. This writ petition stands closed in the above terms. No costs. Connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



JENI/KAK

To

WEB COPY

1. The Principal Secretary / Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Zonal Officer,
Zone-VII, Corporation of Chennai,
Rippon Building, Chennai - 600 003.

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.25012

W.P.No.32667 of 2014 and
M.P.Nos.1 & 2 of 2014

RSV(CO)
TE (22/04/2022)