



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.24602 of 2014

and

M.P.No.2 of 2014

C.Dayalan

... Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 03.

2.The Assistant Executive Engineer, [T.P.]
Corporation of Chennai,
Zone No.07, Ward No.93,
Ripon Buildings,
Chennai 03.

3.Mr.Muthu Pandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's in impugned order granting approved Planning Permission in Ref.PPA/WDCNO7/10552/2013 and Building Permission Ref.BA/WDCNO7/8518/2013 dated 27.12.2013 to the 3rd respondent in respect of the property bearing Plot No.110, Murugan Sulochana Street, Golden George Nagar, Near ONGC, APPT, Chennai-37 comprised in S.No.426 part, measuring 2400 Sq.ft. and quash the same.

For Petitioner : Mr.G.Dinesh Kumar

For R1 & R2 : Mr.Rahul Aditya
For Ms.P.T.Ramadevi
Standing Counsel

For R3 : No Appearance



O R D E R

Mr.G.Dinesh Kumar, learned counsel for the petitioner and Mr.Rahul Aditya, learned counsel for Ms.P.T.Ramadevi, learned Standing Counsel for the respondents would concur on the position that the order passed in W.P.No.32667 of 2014 on 11.04.2022 would have a bearing in the matter in so far as the subject matter is one and the same.

2.The order dated 11.04.2022 passed by this Court in the aforesaid writ petition is extracted below:-

'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



To

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Chennai 03.

+1 cc to Ms.P.T.Ramadevi Advocate sr28847

W.P.No.24602 of 2014

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aa31.05.2022