



W.P.No.33697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15/12/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.33697 of 2022

a n d

W.M.P.No.33175 of 2022

Asvini Fisheries Pvt Ltd

rep. By its Director

Mr.S.K.Arumugasamy.

...

Petitioner

Vs

1. The Joint Director

The Town and Country Planning Department

No.124 Municipal Shopping Complex

GST Road, Chengalpattu HO

Chengalpattu 603 001.

2. M. Selvarani

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent culminating in the impugned order dated 18/11/2022 bearing Ref.No.Na.Ka.2501/2022/Sa.Ma.3 to the writ petitioner and quash the same.

For Petitioner

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Mr.N.Alagu Narayanan

For respondents

...

Mrs.R.Anitha

Special Government Pleader
for R.1.

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ORDER

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This writ petition has been filed to quash the order dated 18/11/2022 passed by the first respondent in Na.Ka.2501/2022/Sa.Ma.3.

2. The case of the petitioner is that the petitioner is the absolute owner of the property situated in Kancheepuram District, Chengalpet Taluk, Ponmar Village, within the limits of Thiruporur Panchayat Union, comprised in S.Nos.277/4 and 280/4A, measuring a total extent of acre 0.24 cents and acre 0.22 cents respectively. The petitioner had sub-divided some of the lands into various plots and had obtained lay out approval for the same. The petitioner granted Power of Attorney in favour of M/s. Stone & Acres, a property management Company to market the approved plots.

3. The second respondent, who is the owner of land in S.No.277/3B had filed a writ petition bearing W.P.No.17576 of 2022, seeking a prayer to consider her representation given to the Director of Town and Country Planning to give free access of way to her agricultural land. The second respondent had impleaded the power agent of the petitioner as fifth respondent in the writ petition.



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4. This Court, vide, order, dated 11/7/2022, directed the first respondent to consider the petitioner's representation dated 15/7/2021, and pass orders, within a period of six weeks from the date of receipt of the said order. In such a backdrop, first respondent had passed the impugned order.

5. Heard Mr.N.Alagu Narayanan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the first respondent.

6. Learned counsel appearing for the petitioner submitted that despite the direction of this Court, no opportunity of hearing was given to the petitioner, while passing the impugned order. Learned counsel appearing for the petitioner further submitted that impugned order does not indicate any notice to the petitioner.

7. First respondent's direction to give access to the second respondent either through S.No.277/4 or 280/4A by demolishing the wall, is erroneous. In such a view of the matter, this **writ petition is allowed** and the order, dated 18/11/2022, passed by the first respondent in



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Na.Ka.No.2501/2022.Sa.Ma.3 is set aside. First respondent is directed to

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N. SATHISH KUMAR, J

mvs.

pass an order, after giving an opportunity of hearing to the petitioner and second respondent as per law, within a period of three months, from the date of receipt of a copy of this order.

No costs. Consequently, the connected Miscellaneous Petition is closed.

15/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Joint Director
The Town and Country Planning Department
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