



W.P.No.3797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3797 of 2022

and

W.M.P.Nos.3921 to 3923 of 2022

M/s.Sri Gowri Steel Rolling Mills,
Represented by its Manager,
M.M.Manikandan,
S.F.No.7, Vadugapalayam Village,
Dharapuram Taluk,
Tiruppur District.

.. Petitioner

-VS-

1.The District Collector/
Inspector of Panchayats,
Tiruppur District.

2.The Block Development Officer,
Kundadam Panchayat Union,
Dharapuram Taluk,
Tiruppur District.



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3.The President,
Sankarandampalayam Village Panchayat,
Kundadam Panchayat Union,
Dharapuram Taluk,
Tiruppur District.

4.K.Magudakumar .. Respondents
(R4 impleaded vide order dated 21.07.2022
made in W.M.P.No.6431/2022 in W.P.No.3797/2022)

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned resolution of the 3rd respondent in Subject No.1 bearing Resolution No.15 dated 02.02.2022 and consequent order dated 02.02.2022 titled as Notice cancelling the building permit granted to the petitioner, quash the same as arbitrary, illegal and without jurisdiction and consequently direct the respondents to issue building permit for the remaining period of 4 years in compliance with Rule 14 of the Tamilnadu Combined Development and Building Rules 2019.

For Petitioner : Mr.Niranjan Rajagopalan
for Mr.K.M.Subheramaniam

For R-1 : Mr.V.Nanmaran
Additional Government Pleader

For R-2 : Mrs.N.Senthil Selvi
For R-3 : Mr.P.Nethaji
For R-4 : Mr.M.Guruprasad



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ORDER

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This writ petition has been filed challenging the impugned resolution passed by the 3rd respondent dated 02.02.2022 and consequent Notice dated 02.02.2022, cancelling the building permit granted to the petitioner and for a consequential direction to the respondents to issue building permit for the remaining period of 4 years in compliance with the Rule 14 of the Tamilnadu Combined Development and Building Rules, 2019.

2. The writ petitioner has applied for planning permission to establish a new unit in S.F.No.7, Vadugapalayam Village, Dharapuram, Tiruppur District, a steel melting plant as well as steel rolling mill. The petitioner has purchased lands to an extent of 12.35 acres for establishing steel rolling mills in the year 2018. He has applied for layout plan approval as well as planning permission for industrial building with the Director of Town and Country Planning Authority (DTCP), Chennai through the Local Planning Authority, Tiruppur. By way of proceedings in



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Na.Ka.No.5960/2020/TCP-3/BA dated 21.10.2020, the Director of Town and

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Country Planning Authority has granted technical assent to the lay out and industrial building plan with the direction to pay necessary charges and to approach the Local Planning Authority, Tiruppur. The Deputy Director of Town and Country Planning/District Town and Country Planning Office, Tiruppur District has granted approval for layout as well as building planning permission vide its proceedings in Na.Ka.No.2671/2019/Thi.Ma dated 10.11.2020 for the period of 5 years between 10.11.2020 to 09.11.2025 with conditions mentioned therein. The petitioner has also applied for building permit with the 3rd respondent by paying necessary charges stipulated by them on 23.11.2020 and the plan was approved and building permit was granted for the period of one year. Though Rule 14 of the Tamil Nadu Combined Development and Building Rules, 2019 contemplates that the building permit shall be valid for five years, the 3rd respondent has issued building permit only for one year. When the petitioner has applied for



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renewal of license permit, pending the application, the 3rd respondent has passed the impugned order cancelling the renewal permit. Hence, this writ petition.

3. Heard the learned counsel appearing on either side and perused the entire materials available on record.

4. Though several grounds have been raised in this writ petition, the main ground of attack on the impugned notice by the learned counsel for the petitioner is that no notice whatsoever has been issued before cancelling the building permit. The impugned resolution has been adopted merely on the basis of some objections from the third parties. Hence, the impugned order suffers for violating the principles of natural justice.

5. The respondent though filed counter affidavit citing the various violations of Rules, it is relevant to note that none of the grounds stated in the



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counter affidavit is not reflected in the impugned order. The impugned order proceeded on the premises that there was an agitation by the public, therefore the order has been passed.

6. This Court is of the view that the impugned order is not supported by any reasons or rule or violation of rules. The impugned order cannot be defended by the supporting reasons in the counter affidavit.

7. On a perusal of Rule 13 of the Tamil Nadu Combined Development and Building Rules, 2019, it specifically states that the planning permission or building permit, which appears to have obtained by any misrepresentation or by production of false documents, such planning permission or building permit should be cancelled after issuing a show cause notice. Whereas, in this case by just a resolution in the Panchayat, the building permission granted in favour of the petitioner has been cancelled. No notice whatsoever has been issued prior to that. Further, the impugned order



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also does not satisfy the reasons for cancelling the building permit granted in favour of the petitioner.

8. In such view of the matter, the impugned order passed without giving any opportunity as contemplated under the Rule cannot be sustained in the eye of law and the same is set aside. The third respondent is directed to consider the petitioner's application on its own merits and renew the application after giving opportunity to the parties. If there is any violations of the rules as stated in the counter affidavit before this Court, it has to be taken note of and decide the application afresh after giving opportunity to the petitioner.

9. Let the impugned order in all purpose would be treated as a Show Cause Notice and the petitioner shall give explanation within a period of one month from the date of receipt of a copy of this order. Thereafter the



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respondents shall pass final orders as to whether to renew or cancel the building permission, within a period of one month thereafter.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/no
Speaking order : Yes/No
rsi

To

- 1.The District Collector,
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N.SATHISH KUMAR, J.

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