



WP.No.3015 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.3015 of 2015 &

M.P.Nos.1 & 2 of 2015

H.A.Begum

... Petitioner

Vs

The President,
Somayampalayam Panchayat,
Somayampalayam Post, Coimbatore.

... Respondent

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records of the respondent dated 05.06.2014 and quash the same.

For Petitioner : Mr.I.Kowser Nissar

For Respondent : Mrs.R.Anitha
Special Government Pleader



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ORDER

This Writ Petition has been filed to quash the impugned proceedings of the first respondent dated 05.06.2014, cancelling the building permission granted to the petitioner.

2. The case of the petitioner is that she is the owner of the property bearing site No.12, S.F.No.19, Patta No.570, Somapalayam Village measuring to an extent of 2700 sq.ft. by virtue of a registered sale deed dated 30.11.2011 bearing document No.7015/11. She has applied for permission for construction of a residential building in the above said property and the respondent vide proceedings dated 05.04.2014 in No.11/2014-15 accorded sanction for a period of one year. When the matter stood thus, without any notice or enquiry, the respondent has cancelled the permission on the ground that the site belongs to the respondent. Therefore, the same has been challenged on the ground that there is a violation of principles of natural justice.



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3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that having granted permission on 05.04.2014 for construction of the building, the same has been cancelled by an Order dated 05.06.2014, without even any notice to the petitioner.

5. I have perused the proceedings of the respondent dated 05.04.2014 and the same indicate that the respondent has granted permission for a period of one year for construction of the building. Within two months, i.e., on 05.06.2014, the same has been cancelled on the ground that the property belongs to the respondent. It is relevant to note that before cancelling such permission, no notice, whatsoever, has been given to the petitioner nor any enquiry has been conducted as to on what basis the respondent has arrived at such a conclusion. In such view of the matter, the Order of cancellation of permission is liable to be set aside on the ground of violation of natural justice.



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6. Accordingly, the impugned Order dated 05.06.2014 passed by the respondent is set aside and the matter is remanded back to the respondent to give an opportunity to the petitioner and decide the issue on the basis of the documents and pass Orders within a period of two months from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

03.01.2023

vrc

To

The President,
Somayampalayam Panchayat,
Somayampalayam Post, Coimbatore.



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N.SATHISH KUMAR, J.

vrc

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