



W.P.No. 23397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No. 23397 of 2023
and W.M.P.No. 22929 of 2023**

Sanjodge Arokiyaraj

... Petitioner

Vs.

1.The President
Onnalvadi Panchayat
Hosur Union
Krishnagiri District.

2.The Tahsildar
Hosur Union
Krishnagiri District

3.Dollars Colony
Residential Welfare Association
Dollars Colony,
Rayakottai Road,
Karapalli Village, Onnalvadi Post
Hosur - 635 109

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a
Writ of Certiorari, to call for the records of the notice dated 31.07.2023
issued by the first respondent and quash the same.

For Petitioner : Mr.K.S.Viswanathan



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Senior Counsel
for Mr.G.M.Ananthakumar

For Respondents : Mr.Vadivelu
Deenadayalan for R1 and R2
Additional Government Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is to call for the records of the notice dated 31.07.2023 issued by the first respondent-President, Onnalvadi Panchayat, Hosur Union, Krishnagiri District, and to quash the same.

3. It is averred in the writ petition that the petitioner is the original owner of lands measuring to an extent of 9.25 acres at Onnalvadi Panchayat, Hosur Taluk, Krsihnagiri District. He approached the planning authority for appropriate planning permission to develop a Gated Community consisting of residential plots.

(ii). After due scrutiny, the HNTDA granted approval for the layout



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vide proceedings dated 11.12.2017 in approved layout No.7/17 under Section 49 of Town and Country Planning Act, 1971. The plan for development of the plots was also approved as Approval No.22/17 and technical approval was granted for the same. The petitioner had also executed a gift deed dated 03.11.2017 and registered the same in favour of Block Development Officer, Hosur for the purpose of handing over the necessary allotments for the road within the layout and for formation of roads and parks in compliance of the conditions for grant of approval. He had also paid the necessary charges.

(iii). Pursuant to which, based on the planning permission granted for the proposed layout, the Special Officer Onnalvadi Panchayat/ Block Development Officer, Hosur granted approval for the layout vide proceedings dated 20.01.2018. Based on the approval, the petitioner promoted the layout and named it as "Dollars Colony" and in order to protect the land from wild animals and to avoid anti social activities, he had erected a compound wall around the layout, purely for the safety and security of the residents.

(iv). As per the layout plan, he has provided an entrance way at the Western side of the layout for ingress and egress of the residents in the layout as there is no exit on the northern side of the layout as per the approved plan. He also owns some other patta lands in the northern side of the layout and in



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respect of these patta lands, he has not applied for any approval of layout or individual residential plots to any planning authority. The petitioner continues to be in possession of these lands and maintaining the same on his own and has provided entrance to his private property on the northern side by forming a private road which is not meant for any public use.

(v). While being so, certain villagers had approached the revenue authorities, complaining about not permitting them to use the northern side of the layout through his private property. Therefore, the petitioner sent a representation to the revenue authorities enclosing the details of the lands covered by the Dollars Colony approved layout as well as individual separate patta lands as there is no pathway through his private lands, but he has not received any response from the revenue authorities. All of a sudden, he received a notice from the Onnalvadi Panchayat stating that no compound wall can be erected without obtaining permission from the panchayat by obstructing the road and the panchayat has not granted any approval for the Dollars Colony layout. Under such circumstances, the petitioner was directed to remove the compound wall obstructing the road within 7 days. Aggrieved by the same, the present writ petition.



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4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. On perusal of the impugned notice, it is seen that, without issuing any show cause notice calling upon the petitioner to submit his response to the alleged complaint made by the public and without affording due opportunity to the petitioner, the notice has been straight away issued, based on a unilateral decision by the first respondent. Therefore, the impugned notice dated 31.07.2023 is set aside and the matter is remanded back to the revenue authorities to pass appropriate orders on merits after affording due opportunity to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)

msv

Index : Yes / No

08.08.2023

Internet : Yes/No

Speaking order: Non-speaking order

J. NISHA BANU, J.
and
N.MALA,J.



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msv

WEB COPY

To

1.The President
Onnalvadi Panchayat
Hosur Union
Krishnagiri District.

2.The Tahsildar
Hosur Union
Krishnagiri District

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