



WEB COPY

W.P.No.5031 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5031 of 2017

and

W.M.P.Nos.5316, 5317 & 12885 of 2017

T.A.Vijay

... Petitioner

Vs.

- 1.The District Collector
Tiruppur District
Tiruppur.
- 2.The Revenue Divisional Officer
Tiruppur District
Tiruppur.
- 3.The Tahsildar,
Avinashi
Tiruppur District.
- 4.The Assistant Director of Panchayats
Town Panchayat
Tiruppur District.
- 5.The Assistant Director of Panchayats
(In-Charge-Tiruppur District)
Town Panchayat,
Erode District.



6. The Executive Officer
Avinashi Town Panchayat
Tiruppur District.

7. The Inspector of Police
Avinashi Police Station
Tiruppur District.

8. R. Moorthi

... Respondents

[R8 impleaded as per order dated 12.12.2017 made in
WMP.No.7727 of 2017 in WP.No.5031 of 2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order dated 24.02.2017 made in Na.Ka.1231 of 2016 on the file of the 6th respondent, quash the same.

For Petitioner	: Mr.L.Chandra Kumar For Mr.M.Guru Prasad
For R1 to R7	: Mr.Abishek Murthy Government Advocate
For R8	: Mr.V.P.Sengottuvel Senior Counsel For Mrs.Indu Priya

ORDER

The order impugned dated 24.02.2017 cancelling the building plan permission is under challenge in the present writ petition.



2. It is not in dispute that the building plan approval was already granted in favour of the writ petitioner, which was cancelled pursuant to the objections raised by the contesting respondents and the people of that locality.

3. The learned counsel for the petitioner mainly contended that the decision was taken without upholding an opportunity to the writ petitioner. Thus, the order impugned is in violation of the principles of natural justice. Since the building plan permission has already been granted in favour of the writ petitioner, if at all the same is to be cancelled based on any complaint or otherwise, an opportunity is to be given to the petitioner and in the present case, the learned Government Advocate is unable to establish that such an opportunity was provided to the petitioner.

4. That being the case, the matter is to be remanded back for the purpose of fresh consideration. Accordingly, the order impugned passed by the 6th respondent in proceedings Na.Ka.1231 of 2016 dated 24.02.2017 is quashed and the matter is remanded back to the respondents for fresh consideration.



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5. The respondents shall issue notice to the petitioner setting out the facts, violations and other issues within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the petitioner is at liberty to submit his explanations along with the documents, if any, within a period of two (2) weeks. The Competent Authorities shall conduct an enquiry by affording opportunity to all the parties including the contesting respondents and other interested parties in the interest of public and thereafter, adjudicate the issues on merits and pass appropriate orders within a period of eight (8) weeks from the date of issuance of show cause notice.

6. With these directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.03.2023
(2/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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