



W.P. No. 33889 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33889 of 2023

K.Selvam

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation of Chennai,
Chennai – 600 003.
2. The Zonal Officer,
Zone – 14, Greater Chennai Corporation,
No. 6/64, Puzuthivakkam Main Road,
Puzuthivakkam,
Chennai – 600 091.
3. The Executive Engineer,
Zone – 14, Greater Chennai Corporation,
No. 6/64, Puzuthivakkam Main Road,
Puzuthivakkam,
Chennai – 600 091.

4. A.Sundar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order dated 18.11.2022 vide the Proceedings Z.O.XIV.C.No.A1/7232/2022 passed by the Third Respondent herein that is the Executive Engineer, Zone – 14, Greater Chennai Corporation, No. 6/64, Puzuthivakkam Main Road, Puzuthivakkam, Chennai – 600 091, quash the same.



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For Petitioner : Mr. S.Ruban Prabu

For Respondents : Mr. E.C.Ramesh,
Standing Counsel (for R1 to R3)

ORDER

Heard Mr. S.Ruban Prabu, Learned Counsel for the Petitioner and Mr. E.C.Ramesh, Learned Standing Counsel for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth Respondent, notice to him is dispensed with.

3. It is borne out from the materials placed on record that the Fourth Respondent had earlier filed the Writ Petition in W.P. No. 15810 of 2022 seeking direction to the First and Second Respondents to pass orders on his representation dated 27.01.2022 to cancel the sub-division in Planning Permission No. SD/WDC14/00297/2013 dated 01.06.2023 pertaining to the



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property at Plot No. 11, Thiru. Vi.Ka. Public Servants and House Site Society Layout, Chennai, which is said to have been fraudulently obtained, and this Court by order dated 24.06.2022 had passed the following self-explanatory order:-

“2. After hearing the Learned Counsel for the Petitioner and the Learned Standing Counsel for the First and Second Respondents, this Writ Petition is being disposed of at the time of admission, by dispensing with notice and counter of the Private Respondent/Third Respondent, who appears to be the alleged Power of Attorney Holder of the complaint in O.S. No. 823 of 2015, which is pending before the District Munsif Court at Alandur.

3. The specific case of the Petitioner is that the Petitioner purchased the property way back in 2007 and that the Private Respondent/Third Respondent claiming to be the Power of Attorney Holder of the complaint in O.S. No. 823 of 2015, made several allegations.

4. It is further submitted that the Private Respondent/Third Respondent has filed O.S. No. 823 of 2015, for a declaration, declaring that the Sale Deed executed in 2007 was null and void



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and was not binding on the plaintiffs therein.

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5. *The Learned Standing Counsel for the First and Second Respondents would submit that the Writ Petition has been belatedly filed and the Petitioner has challenged the Planning Permission granted to the Third Respondent on 26.04.2013 and therefore this Writ Petition is liable to be dismissed on account of laches.*

6. *The fact of the matter is that the Petitioner's representation dated 27.01.2022, has not evoked any response from the First Respondent. It is for the respondents to reply to the representation of the Petitioner.*

7. *The Second Respondent is therefore directed to consider and pass appropriate orders on the representation dated 27.01.2022 of the Petitioner, within a period of six weeks from the date of receipt of a copy of this order.*

8. *Needless to state, before passing such order, proper notice shall be served to the Third Respondent who claims to be the Power of Attorney Holder of the complaint in O.S. No. 823 of 2015. Notice shall also go to the plaintiffs in O.S. No. 823 of 2015.*



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9. This Writ Petition stands disposed of with the above observations. No costs.”

Thereafter, notice was sent to the Petitioner for his appearance in the enquiry on 05.08.2022 at his address at No. 26C, Bell Nagar, 4th Main Road, Medavakkam, Chennai – 600100, but it was returned unserved with postal endorsement 'left'. In that backdrop, the Third Respondent by Proceedings in Z.O.XIV.C.No. A1/7232/2022 dated 18.11.2022, which is impugned in this Writ Petition, has passed the following order:-

“ In this regard in order to comply with the orders of the Hon'ble High Court, intimation letters were sent to the Petitioner Thiru. A.Sundar, Respondent Thiru. K.Selvam and Tahsildar, Sholinganallur Taluk on 03.08.2022 stating that the Zonal Officer of Zone XIV, Greater Chennai Corporation has proposal to convene the Personal Hearing with you regarding the issue on 05.08.2022 in his Chamber, No. 6/64, Puzhuthivakkam Main Road, Puzhuthivakkam, Chennai – 600091 to attend above Personal Hearing with relevant Records vide ref. no. 3.



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Accordingly the Zonal Officer of Zone XIV conducted an enquiry on 05.08.2022 with the Petitioner Thiru. A.Sundar, Executive Engineer of Zone XIV, Assistant Executive Engineer of Unit 43, and Tahsildar, Sholinganallur Taluk as participants but you have failed to attend the enquiry. Further, joint inspection was made on 05.08.2022 with the surveyor, Sholinganallur Taluk with the officials of Zone – 14.

In the reference 3rd cited above, the Tahsildar, Sholinganallur Taluk has sent the land owner, boundary measurement details and records stating that the land pertains to Thiru. A.Sundar.

Based on the Tahsildar, Sholinganallur Taluk report and scrutiny of the relevant documents order was obtained from the Principal Secretary/Commissioner, Greater Chennai Corporation to revoke the already sanctioned subdivision plan vide SD/WDC/14/00297/2013.

Hence, your subdivision plan vide SD/WDC/14/00297/2013 was revoked.”



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4. While matters stood as narrated supra, the Petitioner showing his address as Plot No. 21, Varshinee Flats, Roja Street, Sabhari Nagar, Medavakkam, Chennai – 600100 made a representation dated 14.02.2023 against the said order, to which reply was sent by the Third Respondent by Proceedings Z.O.XIV.C.No. A1/ 7232/2022 dated 03.04.2023 stating as follows:-

“ Kind attention is invited to the order of the Hon'ble High Court for the W.P. No. 15810 of 2022, wherein the Hon'ble High Court directed the Respondents to consider the representation of the Thiru. A.Sundar dated 27.01.2022. In this regard in order to comply with the orders of the Hon'ble High Court, Order was obtained from the Principal Secretary/Commissioner, Greater Chennai Corporation and Sanctioned Sub-division plan was revoked.

In this regard, Thiru. K.Selvam made a representation on 07.01.2023 stating to reconsider his representation to which a reply was sent on 02.02.2023 stating to submit any valid documents or proofs justifying his statement.

Following this, a letter was received from Thiru. K.Selvam



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dt:14.02.2023 along with a copy of the Sub-Division permission

approval and fee paid receipt.

At this juncture it is to be submitted that the furnished documents are insufficient to take necessary action in this context.

Hence it is requested to submit any valid documents like Patta, registration document or any revenue records to justifying the ownership of land directly or via registered post at the office of the undersigned on or before 15.04.2023 for re-consider your representation.”

5. It is the case of the Petitioner that he had sent reply dated 13.04.2023 to the Third Respondent but as no further action has been taken thereafter, it has necessitated the filing of this Writ Petition. In response to the query raised, Learned Counsel for the Petitioner has not been able to produce any proof for delivery of the said reply dated 13.04.2023, but its copy is available in the typed-set filed in this Writ Petition.

6. When the impugned order has been passed by the Third Respondent in compliance of the directions issued by this Court in the order dated 24.06.2022 in W.P. No. 15810 of 2023 and the notice for enquiry issued to the Petitioner



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had been returned unserved with the postal endorsement 'left' and there is nothing to show that the Petitioner had intimated the First to Third Respondents of any change of address earlier, it would not be possible to interfere with the impugned order.

7. In such circumstances, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Third Respondent shall immediately examine the representations dated 14.02.2023 and 13.04.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner, the Fourth Respondent and all other persons concerned to explain their position in that regard;



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(iv) a reasoned order shall be passed dealing with each of the contentions

raised on merits and in accordance with law and the decision taken

communicated under written acknowledgment; and

(v) the report of such compliance shall be filed before the Registrar

(Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

11.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

vjt

To

1. The Commissioner,
Greater Chennai Corporation of Chennai,
Chennai – 600 003.
2. The Zonal Officer,
Zone – 14, Greater Chennai Corporation,
No. 6/64, Puzuthivakkam Main Road,
Puzuthivakkam,
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Puzuthivakkam,
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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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