



W.P(MD)No.28094 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28094 of 2022

and

W.M.P(MD).No.22180 of 2022

Max Properties Private Limited,
rep., by its Director,
S.S.Ramakrishna

... Petitioner

Vs.

1.The Assistant Director/Member Secretary (Incharge),
Madurai Local Planning Authority,
Madurai District Town and Country Planning Office,
Sector 6, Aanaiyur-Mudakathan Main Road,
Koodal Pudur,
Madurai -625 017.

2.S.Rajaram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records from the first respondent in his proceedings in Na.Ka.No.830/2021/kjp2 dated 01.10.2022 and quash the same.

For Petitioner

: Mr.M.Sricharan Rangarajan
Senior Counsel for
Mr.N.Sathish Babu

For Respondents

: Mr.B.Saravanan (for R1)
Additional Government Pleader
Mr.K.Ragatheeskumar
for M/s.Isaac Chamber (for R2)



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ORDER

Heard the learned Senior Counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Counsel appearing for the second respondent.

2. The writ petitioner's layout approval was cancelled by the impugned proceedings dated 01.10.2022 by the first respondent. Challenging the same, the present writ petition has been filed. The learned Senior Counsel pointed out that the impugned order has been passed at the instance of the second respondent. The second respondent had given a complaint and based on the same, the layout approval issued in favour of the petitioner was cancelled.

3. A bare reading of the impugned order shows that the petitioner was not put on notice. The impugned order is thus clearly violative of the principles of natural justice. On this sole ground, it is liable to be set aside and it is accordingly set aside.

3. In normal circumstances, I would have remitted the matter to the file of the first respondent for fresh consideration. But, in the case on hand, such a



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course of action is not necessary to be taken, since the first respondent has taken a stand before this Court endorsing the stand taken by the writ petitioner.

In other words, the first respondent is not now accepting the allegation made by the second respondent as regards width of the service road. The second respondent had alleged that the width of the service road was less than 5 meters. The first respondent has now clarified that the service road in question is more than 7 meters as originally projected by the writ petitioner's application. Since the first respondent has already taken a stand in favour of the writ petitioner as regards the allegations in question, there is no need to remand the matter. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

25.01.2023

NCC : Yes / No

Index : Yes / No

Rmk

To

The Assistant Director/Member Secretary (Incharge),
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G.R.SWAMINATHAN, J.,

Rmk

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