



W.P.No.13099 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13099 of 2013

A.Nagarajan

... Petitioner

Vs

1. The President,
Kadampadi Village Panchayat,
Kadampadi, Sulur,
Coimbatore.

2. The District Collector,
Hosur Main Road,
Coimbatore District,
Coimbatore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent dated 13.02.2013, in cancelling the building permission order made in proceedings No. 53/2012-13 dated 04.09.2012 on the file of the first respondent and quash the same.



W.P.No.13099 of 2013

For Petitioner : Mr. K.Chozhan

For Respondents : Mr. M.Elumalai (for R1)

Mr. N.Naveen Kumar,
Government Advocate (for R2)

ORDER

This Writ Petition has been filed challenging the order dated 13.02.2013, thereby cancelling the building permission.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner had purchased a plot in Kadampadi Village, Sulur, Coimbatore, by registered sale deed from one Nachimuthu, comprised in S.F. No. 347/1A, in the year 2008. It is a DTCP approved layout, bearing No. 32 of 2005, on the file of the second respondent. Thereafter, the second respondent also issued No Objection Certificate on 10.01.2005, for construction of house in the said layout. Accordingly, the petitioner was granted planning permission for construction of house. Thereafter, the



W.P.No.13099 of 2013

petitioner applied for planning permission to construct the house in the purchased plot. However, it was not considered, and as such, the petitioner was constrained to approach this Court in W.P. No. 8403 of 2012, and this Court directed to dispose of the representation submitted by the petitioner within a period of eight weeks from the date of receipt of a copy of that order, on merits and in accordance with law. The petitioner obtained building permission dated 04.09.2012, after collecting a sum of Rs.9,010/- as fees for a period of one year. The petitioner also completed the entire construction of a small house, and also obtained electricity service connection.

4. While that being so, the first respondent cancelled the building permission by the impugned order without issuing any notice or providing an opportunity for the petitioner to be heard. It is also evident from the impugned order that no notice was given to the petitioner, and no inquiry was conducted. Therefore, it is a clear violation of the principles of natural justice, and the impugned order cannot be sustained. On this sole ground, the impugned order dated 13.02.2013 is liable to be quashed.



W.P.No.13099 of 2013

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5. Accordingly, the impugned order dated 13.02.2013 is hereby quashed. The first respondent is at liberty to issue notice to the petitioner and after giving an opportunity of hearing to him, in respect of the building permission granted to the petitioner and pass orders on merits and in accordance with law.

6. In the result, this Writ Petition is allowed. No costs.

16.08.2024

Index:Yes/No
Neutral Citation/Yes/No
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W.P.No.13099 of 2013

To
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W.P.No.13099 of 2013

G.K.ILANTHIRAIYAN, J.

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W.P.No.13099 of 2013

16.08.2024