



WEB COPY



W.P.Nos.3804 & 3807 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM :

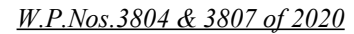
THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.3804 & 3807 of 2020

H.Chandra Bose .. Petitioner in both the W.Ps.

v.

1. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003
2. L.Nandhakumar
3. The Executive Engineer, Zone VI
Greater Chennai Corporation
No.5, Anderson Road
Vasantha Nagar, Aynavaram
Chennai 600 023
4. Assistant Executive Engineer, Zone VI
Greater Chennai Corporation
No.5, Anderson Road
Vasantha Nagar, Aynavaram
Chennai 600 023



Division 65, Zone-6

Greater Chennai Corporation

No.6A, Subramaniyapuram 2nd Street

Kolathur, Chennai 600 099

.. Respondents in both the W.Ps

For Petitioner	::	Dr.V.Suresh for Mr.N.G.R.Prasad for M/s Row & Reddy
For Respondents	::	Mr.D.B.R.Prabhu Standing Counsel

(Order of the Court was made by S.S.SUNDAR,J.)

These two writ petitions are filed by the petitioner challenging the impugned orders passed by the respondents. In W.P.No.3804 of 2020, the impugned orders passed in respect of the residential construction put up by the petitioner are challenged. In W.P.No.3807 of 2020, the petitioner has



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challenged the impugned orders in respect of the commercial portion of the building.

2. The petitioner is also a registered contractor of Greater Chennai Corporation and successfully executed many tenders for Chennai Corporation. Later the petitioner, acting as a whistle-blower, appears to have given various complaints to the Vigilance wing making allegations against some officials in the matter of award of contract/tenders. The case of the petitioner is that taking note of the allegations made by the petitioner against the corrupt officials, the official respondents, at the instigation of some of the officials who have personal vengeance against the petitioner, passed the impugned orders. The petitioner has challenged the show cause notice before passing the de-occupation notice. The case of the petitioner is that the official respondents have pasted the notices in the premises of the petitioner and removed the same on the same day. In proof of such serious allegation, the petitioner has produced before this Court a series of photographs that were recorded from the cctv footage. The learned counsel appearing for the petitioner, though wanted things to be seriously projected



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to expose the fraudulent conduct of officials, in view of change of circumstances, he is not pressing for an enquiry. He submits that the petitioner has obtained planning permissions and had the petitioner been given sufficient opportunity to produce the same, the impugned orders would not have been passed by the respondents.

3. This Court is prima facie convinced that the official respondents have issued the show cause notice and the de-occupation notice simultaneously without a fair opportunity being afforded to the petitioner. Therefore, the impugned orders are liable to be quashed on legal mala fides. The learned counsel for petitioner has also produced before this Court the original planning permission and building plan approved by the official respondents. Since the plan produced before this Court would show that the building plan permission has been obtained even on 24.09.2003, the same is recorded. The original plans are handed over to the learned counsel for petitioner. Considering the submissions of the learned counsel for petitioner and on perusal of records, the writ petitions are allowed and the impugned orders challenged in the writ petitions are quashed. However,



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liberty is given to the official respondents to issue fresh show cause notice to the petitioner in terms of the Tamil Nadu Town and Country Planning Act and thereafter pass final orders, after considering the representation and the plans produced by the learned counsel for petitioner before this Court and after hearing the petitioner, on merits and in accordance with law. Consequently, W.M.P.Nos.4501 & 4507 of 2020 are closed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
18.03.2024

ss

To

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2. The Executive Engineer, Zone VI
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3. The Assistant Executive Engineer, Zone VI
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4. The Junior Engineer
Division 65, Zone-6
Greater Chennai Corporation
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S.S.SUNDAR,J.

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