



WEB COPY



W.P.No.7139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.7139 of 2024
and WMP No.7995 of 2024**

1.Ramarajan

2.Tmt.Selvamani

.... Petitioners

-Vs-

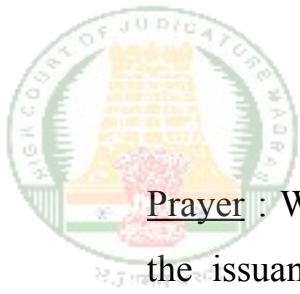
1.The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

2.The Executive Engineer-Zone III
Greater Chennai Corporation
No.1, Thattankulam Road, Zone III
Madhavaram, Chennai 600 060.

3.The Assistant Executive Engineer-Unit VIII
Greater Chennai Corporation
No.1, Thattankulam Road, Zone III
Madhavaram, Chennai 600 060.

4.District Revenue Officer
Land and Estate Department
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

.. Respondents



W.P.No.7139 of 2022

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter vide No.Z.O.III.C.No.3464/2022 dated 09.02.2023 passed by the 3rd respondent and quash the same, consequently direct the 3rd respondent to reconsider the application of the petitioners for building plan approval dated 28.03.2022.

For Petitioners : Mr.J.Sudhakaran

For Respondents : Mr.E.C.Ramesh
Standing Counsel

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus calling for records relating to an impugned letter dated 09.02.2023 passed by the 3rd respondent, the Assistant Executive Engineer-Unit VIII, Greater Chennai Corporation, Madhavaram, Chennai 600 060 and to quash the same and to reconsider the application of the petitioners for building plan approval dated 28.03.2022.

2.In the affidavit filed in support of the writ petition, it had been stated that the property bearing Plot No.54A and 53A Part in T.S.No.5/2, Block No.21, DTC



W.P.No.7139 of 2022

Approval No.LPDM/DDTP No.28/68 measuring an extent of 4422 Sq.ft., in Rajaji Street, Madhavaram High Road had been purchased by the petitioners by sale deed dated 26.02.2008 registered as Document No.1441/2008 in the Sub Registrar Office, Sembium. Patta had also been granted in the name of the petitioners. It had been contended that the petitioners had appointed one Anthony Stephen as their Power of Attorney. He had applied for planing permission for construction of a building on 06.09.2021. That application was returned and resubmitted on 29.11.2021. It was again returned. A further application was submitted on 28.03.2022. The writ petition was been filed since the said application has also been returned and the application fee had been directed to be refunded to the petitioners herein.

3.A counter affidavit had been filed on behalf of the respondents, wherein, the reasons for rejection had been stated in detail. But however let me not enter into a detailed discussion on the same since it is contended on behalf of the respondents that before passing the impugned order a show cause notice had also been issued against the petitioners. However, there is no record that the petitioners had actually received the same. Further, even in the impugned order, there is no reference to the said show cause notice. It is thus evident that without



W.P.No.7139 of 2021

issuing prior notice, the impugned order came to be passed.

WEB COPY

4.In view of the said fact, the impugned order is directed to be converted as a show cause notice and as a notice that the planning permission submitted by the petitioners would be rejected and that the petitioners may put forward the reasons as to why the same should be accepted by the respondents. The petitioners may also take advantage of the attempts made in the counter affidavit filed in support of the writ petition, wherein they had stated that the property is not a public purpose land and therefore guidelines are not required.

5.The petitioners may respond to the impugned letter by giving a reply within a period of four weeks from this date and thereafter, the respondents can process the reply and the application of the petitioners and also giving an opportunity of being personally heard by the Power Agent of the petitioners and thereafter pass appropriate orders. The orders should be passed within a period of three months from the date on which necessary enquiry is commenced by the respondents.



W.P.No.7139 of 2024

6.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

Index : Yes/No

NCS : Yes/No

KP

To

- 1.The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.
- 2.The Executive Engineer-Zone III
Greater Chennai Corporation
No.1, Thattankulam Road, Zone III
Madhavaram, Chennai 600 060.
- 3.The Assistant Executive Engineer-Unit VIII
Greater Chennai Corporation
No.1, Thattankulam Road, Zone III
Madhavaram, Chennai 600 060.
- 4.District Revenue Officer
Land and Estate Department
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

C.V.KARTHIKEYAN.,J



WEB COPY



W.P.No.7139 of 2024

KP

Writ Petition No.7139 of 2024

04.12.2024