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W.P.Nos.23375 & 23376 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.23375 & 23376 of 2016

G.Kanakaraj Petitioner in both W.Ps

Vs

The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu – Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008. Respondent in
W.P.No.23375 of 2016

The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003. Respondent in
W.P.No. 23376 of 2016

Prayer in W.P.No.23375 of 2016: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in respect of the impugned request and recommendation in Letter No.EC/CC/N-1/7372/2012 dated 29.07.2015 and quash the same and consequently direct the respondent to recommend to the Corporation of Chennai for removing the petitioner from the list of blacklisted License Surveyor.



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Prayer in W.P.No.23376 of 2016: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in respect of the impugned letter in W.D.C.No.1711/2015 dated 04.03.2016 and quash the same and consequently direct the respondent to inform to the CMDA regarding removal of the petitioner from the list of blacklisted License Surveyor.

For Petitioner : Mr.S.S.Swaminathan
(in both WPs)

For Respondent : Mrs.P.Veena Suresh
(in W.P.No.23375 of 2016) Standing Counsel

For Respondent : Mr.D.B.R.Prabhu
(in W.P.No.23376 of 2016) Standing Counsel

COMMON ORDER

Both the writ petitions have been filed challenging the order passed by the respondents dated 29.07.2015 and 04.03.2016, thereby recommended that the petitioner's registration as Class I Licensed Surveyor may be blacklisted and accordingly, blacklisted the petitioner's registration from Licensed Surveyor.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner was qualified with engineering and had experience in civil engineering. The petitioner was granted license as Class I Surveyor by the Corporation of Chennai and it was renewed from time to time. While being so, the petitioner certified the completion certificate application as if the developer completed the construction as per the approval plan. However, it was found that the petitioner, without following the procedure, certified the completion certificate application in respect of eleven cases. Therefore, the petitioner was directed to respond by the communication dated 03.07.2015 in this regard. On receipt of the same, the petitioner submitted a detailed representation along with all necessary documents on 15.07.2015.

4. On receipt of the same, the Chennai Metropolitan Development Authority (hereinafter referred to as “CMDA”) found that the petitioner was not followed the due procedure while certifying the completion certificate and recommended to blacklist the petitioner so as to avoid furnishing of further certification/endorsement with regard to apply of planning permission application and completion certificate application to CMDA. On the recommendation, the Corporation of Chennai has blacklisted the petitioner from Licensed Surveyor.

5. The learned counsel appearing for the petitioner would



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submit that the petitioner was not given an opportunity of hearing before blacklisting the petitioner from Licensed Surveyor. In fact, the orders impugned in these writ petitions were not furnished to the petitioner and only after filling the writ petition and directions issued by this Court in W.P.No.5498 of 2016, by an order dated 15.02.2016, the petitioner was provided with copies of the impugned recommendation.

6. A perusal of the counter filed by the CMDA reveals that the petitioner was issued notice dated 03.07.2015, thereby directed the petitioner to explain for furnishing credible evidences to establish the involvement in the construction of respective building for which the completion certificate is made. On receipt of the same, the petitioner submitted his explanation dated 15.07.2015 along with all documents. Therefore, the petitioner was given sufficient opportunity before blacklisting him from Licensed Surveyor.

7. That apart, due to expiry of eight years from cancelling his registration from Licensed Surveyor, it cannot be set aside. However, the petitioner is at liberty to make a fresh application for registration as Licenses Surveyor with all requirements. On receipt of such application,



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the Corporation of Chennai, is directed to consider the same on merits
and in accordance with law.

8. With the above direction, these writ petitions are
disposed of. No costs.

02.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu – Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

G.K.ILANTHIRAIYAN. J.

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