



W.P.No.21579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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and WMP.Nos. 23664 & 23666 of 2024

M/s. Terapanth Educational and Medical Trust,
rep by its General Secretary Mr.Rekh Dhoka,
S/o. Late Mr. Amrathlal Jain,
No. 44 & 45, Vadamalai Maistry Street,
Sowcarpet (Kondithope), Chennai-600079.

..Petitioners

Vs

1. The Government of Tamil Nadu,
Rep by its. Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600009.

2.The Greater Chennai Corporation,
Rep by its Commissioner/Principal Secretary,
Ripon Building, Chennai-600003.

3. Regional Deputy Commissioner (North)
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai-600021.



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4. The Executive Engineer,
Zonal Office V, Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600021.

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of certiorarified mandamus, calling for the entire records of the 1st respondent dated 14.06.2024 in G.O.(3D) No. 38 in consequence of the 2nd and 4th Respondents order dated 15.10.2022 in proceedings No. Z.O.V.C.No/8037/2022 in so far as revoking the planning permission accorded to the petitioner by the Greater Corporation of Chennai vide PPA/WDC03/13744/2008 and building approval vide BACD03/381/2009 dated 28.01.2009 for the constructions of building at old Door Nos. 1 and 2 Amman Koil First Lane, Sowcarpet, Chennai -600 079 by quashing the same and consequently forbear the respondent from initiating any coercive action of locking and sealing and demolition for the building put up at the aforementioned property.

For Petitioners : Mr.ARL. Sundaresan, Senior Counsel
for Mr. R. Mohan

For Respondents : Mr T.K.Saravanan, GA - R1

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ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Challenging the impugned rejection order passed by the 1st respondent dated 14.06.2024 in G.O.(3D) No. 38, the present writ petition is filed.

2. The learned senior counsel appearing for the petitioner has submitted that the petitioner has preferred an appeal before the 1st respondent on 03.11.2022, which was taken on file and a notice dated 19.02.2024 was served on the petitioner to appear before the Appeal Committee on 27.02.2024 at 3.30 pm. Thereafter, the 1st respondent has sent another communication dated 27.02.2024 informing reschedule of meeting on 01.03.2024 at 10.30. am. Again on 07.03.2024, the Deputy Secretary to Government, Housing and Urban Development Department, Chennai informed the petitioner to appear before the Appeal committee Meeting at 11.00 am in the chamber of the Principal Secretary to Government, 3rd floor, Namakkal Kavignar Maaligai, Secretariat, Chennai.

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3. The learned senior counsel for the petitioner has further submitted that on 12.03.2024 due to petitioner's counsel inability to attend the hearing due to fracture, the petitioner deputed their staff to appear for the hearing and requested for adjournment. Without hearing the petitioner and without considering their request for adjournment, the 1st respondent had proceeded with the hearing on the basis of the submissions made by the 2nd respondent officials and the objector and passed the impugned rejection order on the appeal preferred by the petitioner. According to the petitioner, the said rejection order was passed without affording any opportunity to the petitioner, therefore the said order is liable to be set aside.

4. In consideration of the submissions made by the learned counsels appearing for the parties concerned and perusal of records, we are of the view that every party should be given a fair opportunity to present their case. In the present case, it is evident that the petitioner sought an adjournment due to the inability of their counsel to attend the hearing on 12.03.2024, owing to a fracture. Despite this request, the 1st respondent proceeded with the hearing in the absence of the petitioner or their counsel, based on the



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submissions of the 2nd respondent officials and the objector.

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5. This Court is of the view that the denial of an adjournment under such circumstances, and the subsequent passing of the impugned rejection order without affording the petitioner a reasonable opportunity, is liable to be set aside. Therefore, it would be appropriate to direct the 1st respondent to grant the petitioner a fresh opportunity to appear and present their case before the Appeal Committee and thereafter, the 1st respondent shall pass appropriate orders. Accordingly, this Court is inclined to pass the following order;

- i. The impugned rejection order passed by the 1st respondent in G.O. 3(D) No. 38, dated 14.06.2024 is set aside.
- ii. The matter is remitted to the 1st respondent to consider afresh and pass appropriate orders after providing sufficient opportunities to the petitioner and the objectors.
- iii. The petitioner shall initially appear before the 1st respondent on 19.08.2024. If the petitioner subsequently requests additional time to appear before the Appeal Committee, the 1st respondent shall consider such request and pass final orders on merits, ensuring that



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sufficient opportunities are granted to both the petitioner and the objectors.

iv. The entire process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above above directions, the writ petition is disposed of.

No costs. Consequently, connected Miscellaneous petitions are closed.

(D.K.K., A.CJ.)

(P.B.B.J.)

12.08.2024

Internet: Yes/No

Index : Yes/No

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