



W.P(MD)No.3042 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.3042 of 2021

and

W.M.P.(MD)No.2428 of 2021

T.Ramkumar

... Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Competent Authority,
Geo Technical Center,
Kodaikanal Scheme @ Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Rc.No.66/GTC/2020 dated 01.02.2021, quash the same and consequently directing the second respondent to issue No Objection Certificate within a time frame fixed by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.K.Christy Theboral
Additional Government Pleader



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ORDER

The Writ Petition is directed against the proceedings of the first respondent dated 01.02.2021 rejecting the permission to form layout for residential purpose.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner has applied for approval to form layout and his application was forwarded by the Deputy Director of Town and Country Planning, Madurai Region to the Forest Department, Agricultural Engineering Department and also to the second respondent, that Forest Department and Agricultural Engineering Department have issued No Objection Certificate, that the second respondent, without visiting the land, has issued Geo Technical report giving wrong details, that the writ petitioner has then preferred an appeal before the Commissioner of Geology and Mining, Guindy, Chennai and as directed he preferred an appeal before the first respondent and that the first respondent, without considering the certificate issued by the Chief Engineer and the Executing Engineer of Agricultural Engineering Department and by only relying on the report of the Assistant Director of



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Geo Technical Centre, Dindigul, rejected the appeal, confirming the order passed by the Deputy Director of Town and Country Planning.

3. The learned counsel appearing for the writ petitioner would submit that the Agricultural Department authorities have given a specific opinion that the form layout for residential plots is located with slope angle varying from 24°, but taking note of the report of the Assistant Director of Geo Technical Centre that the slope angle varying from 30° to 40° and also the black soil is exposed in the surface, rejected the appeal. He would further submit that before passing the impugned order, no notice was issued to the writ petitioner and no opportunity of being heard was given to him.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would submit that there is no material to show that notice was sent to the writ petitioner before passing the impugned order and that he had taken part in the proceedings.



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5. In the absence of any material to show that the writ petitioner was given opportunity of being heard, this Court has no hesitation to hold that the impugned order cannot legally be sustained and the same is liable to be set aside. Accordingly, the impugned order dated 01.02.2021 is hereby set aside and the matter is remitted back to the first respondent directing him to issue notice to the writ petitioner and to take note of the reports of all the concerned Departments and then to pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
csm



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1. The District Collector,
Dindigul District.
2. The Competent Authority,
Geo Technical Center,
Kodaikanal Scheme @ Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

csn

Order made in
W.P.(MD)No.3042 of 2021
and
W.M.P.(MD)No.2428 of 2021

Dated : 08.04.2024