



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6325 of 2024 and
W.M.P.(MD)No.5919 & 5920 of 2024

G.Sivakumar

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Chennai – 600 009.
2. The Director,
Directorate of Town and Country Planning,
2nd, 4th & 4th Floor,C&E Market Road,
Koyambedu, Chennai.
3. The Assistant Director,
District Town and Country Planning,
O/o.District Town and Country Planning,
106J-37, Millerpuram 2nd Street,
Thoothukudi.
4. The Members Secretary,
O/o.District Town and Country Planning,
106J-37, Millerpuram 2nd Street,
Thoothukudi.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records pertaining to the impugned order of the third respondent made in Na.Ka.No.884/2023 Thu.Ma.A2 dated 31.05.2023 as illegal.



For Petitioner : Mr.R.Aravindraj

For Respondents : Mr.K.S.Selvaganesan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner's license as Registered Engineer Grade-II has been cancelled vide order dated 31.05.2023. Challenging the same, the present writ petition came to be filed.

3. The learned Additional Government Pleader points out that the petitioner was implicated in a vigilance case and he was also arrested and that is why the impugned order came to be passed. According to the learned Additional Government Pleader, only for justifiable reasons, the impugned order came to be passed.

4. The stand of the respondents might as well be justified. But then, the impugned order is utterly silent on those aspects. It is peremptory. It is non-speaking. It is not preceded by any show cause notice. On the ground of violation of principles of natural justice, the impugned communication is set aside. This writ petition stands allowed.

5. There is yet another reason which impels me to question the



impugned order. The third respondent had acted under the dictation. Vide

Government letter dated 24.05.2023, the third respondent was directed to cancel the petitioner's registration. I therefore set aside not only the impugned order dated 31.05.2023 passed by the third respondent but also the Government letter dated 24.05.2023 issued by the Secretary to Government, Housing and Urban Development Department(R1 herein). The communication dated 29.05.2023 passed by the second respondent as well as the communication dated 31.05.2023 are set aside. It is open to the second respondent to issue fresh notice and take appropriate action on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



4

W.P.(MD)NO.6325 OF 2024

G.R.SWAMINATHAN,J.

PMU

To:

1. The Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Chennai – 600 009.
2. The Director,
Directorate of Town and Country Planning,
2nd, 4th & 4th Floor,C&E Market Road,
Koyambedu, Chennai.
3. The Assistant Director,
District Town and Country Planning,
O/o.District Town and Country Planning,
106J-37, Millerpuram 2nd Street,
Thoothukudi.
4. The Members Secretary,
O/o.District Town and Country Planning,
106J-37, Millerpuram 2nd Street,
Thoothukudi.

W.P.(MD)No.6325 of 2024

15.03.2024



WEB COPY



5

W.P.(MD)NO.6325 OF 2024