



WEB COPY

WP No. 30008 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP No. 30008 of 2013

Hussainuddin
S/o. Azeezmuddin,
87, Triplicane Road, Madras-5,
Now Residing at Old No.17, New
No.35, Big Street, Triplicane,
Chennai 600 005.

Petitioner(s)

Vs

1. The Member Secretary (in Charge)
Mamallapuram Local Planning
Authority,
Chengalpattu-1.
2.The President
Vadanemeli Panchayat,
Thiruporur Panchayat Union,
Kancheepuram District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the records on the file of the 1st respondent in Roc 823/2013 Ma.U.Thigu (5) dated 15.10.2013 and quash the proceedings therein as illegal, incompetent, irregular and without jurisdiction.



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For Petitioner: Mr.V.Raghavachary
Senior Counsel
for Mrs.V.Srimathi
For Respondents: Mr.M.Suresh Kumar
Additional Advocate General
Assisted by M/s.P.Aishwarya
Government Advocate

ORDER

The present Writ Petition is filed for issuance of Writ of Certiorari to call for the records on the file of the 1st respondent in Roc 823/2013 Ma.U.Thigu (5) dated 15.10.2013 and quash the proceedings therein as illegal, incompetent, irregular and without jurisdiction.

2. The case of the petitioner is that the petitioner had purchased the property on 16.03.2012, situated at Plot No.12 and 14, Thiruvédanthai Madurai Vadanemeli Village, Chinglepet Taluk, Kanchipuram District. Subsequent to the purchase of the aforesaid property, the petitioner has received a notice from the local body on 17.02.2013, calling upon him to pay the tax for the aforesaid property. All of a sudden, without even affording any opportunity of hearing to the petitioner, the impugned order was passed, stating that the petitioner should



keep the premises ready for locking and sealing it, despite the fact that the premises was constructed with the permission of the Competent Authority.

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Further, the notice states that the petitioner would seek no objection under CRZ Regulations and was called upon to apply fresh. The petitioner also drawn the attention of the first respondent to the earlier grant dated 08.09.1997 and requested to act appropriately. It is also stated that the permission had been granted and construction had also been raised in the year 1997. The property has been assessed to tax and the Tamil Nadu Electricity Board had also effected service connection to it. It is also stated that the impugned order came to be passed by the first respondent, without issuing any prior notice or an opportunity of hearing to the petitioner. Challenging the same, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that, without issuing any notice to the petitioner and without providing personal hearing, the present impugned order came to be passed by the first respondent, which is in violation of principles of natural justice. Further, he would submit that if the



petitioner is provided with an opportunity, they would be able to produce the planning permission issued by the competent authority. Hence, he prayed for appropriate directions.

4. Mr.M.Suresh Kumar, learned Additional Advocate General for the respondents 1 & 2 would submit that fresh notice will be issued by the first respondent by affording an opportunity to the petitioner to submit his reply/objections and upon considering the same, the first respondent would pass appropriate orders on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. In view of the above submission made by the learned counsel on either side, particularly the submission of the learned Additional Advocate General that a fresh notice will be given to the petitioner and upon perusal of the materials available on record, this Court is inclined to set-aside the impugned



order with the following directions/orders:

(i) The impugned order dated 15.10.2013 is set-aside.

(ii) The first respondent is directed to issue a fresh notice to the petitioner by following due process of law, within a period of four weeks from the date of receipt of a copy of this order.

(iii) On receipt of such notice, the petitioner is directed to file reply/objections to the said notice along with relevant documents if any, within a period of four weeks thereafter.

(iv) Upon considering such reply/objections, the first respondent shall provide an opportunity of hearing to the petitioner and pass a reasoned order on merits and in accordance with law, within a period of 30 days thereafter.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

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N.MALA J.
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