



W.P.No.22821 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.22821 of 2017 and

W.M.P.No.23990 of 2017

D.Sumathy

... Petitioner

Vs.

The Executive Officer,
Harur Town Panchayat,
Harur, Dharmapuri District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records made in Na.Ka.No.674/2016/A1, dated 06.05.2017 passed by the Respondent herein and quash the same as illegal and direct the Respondent to issue Plan approval to the petitioner's property situated at Survey No.8/1 (Old) 8/49 (Old) 8/52 (New) S.F.No.8/72 (Old), 8/53 (New) W.No.5(Old) 7 new at Mettupatti Village, Harur Town Panchayat, Harur Taluk, Dharmapuri District.

For Petitioner : Mr.A.K.Balaji

For Respondent : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

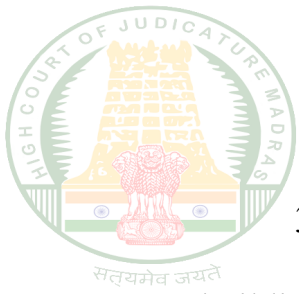
This Writ Petition has been filed seeking to quash the proceedings in Na.Ka.No.674/2016/A1, dated 06.05.2017 passed by the Respondent



W.P.No.22821 of 2017

and to direct the Respondent to issue Plan approval to the petitioner's property situated at Survey No.8/1 (Old) 8/49 (Old) 8/52 (New) S.F.No.8/72 (Old), 8/53 (New) W.No.5(Old) 7 new at Mettupatti Village, Harur Town Panchayat, Harur Taluk, Dharmapuri District.

2. The petitioner is the absolute owner of the subject property having acquired the same through Settlement deeds, dated 08.02.2016 and 19.08.2016. Whiles, the petitioner submitted a representation to the Respondent on 09.01.2016, seeking building plan approval. The respondent on verification from the Village Administrative Officer, issued Blue Print and granted approval for the construction of the building in favour of the petitioner on certain conditions vide proceedings dated 21.04.2017. Based on approval, the petitioner started construction. However, the respondent without even issuing any notice to the petitioner, cancelled the building plan approval granted on 21.04.2017, on the ground that the subject land belonged to Town Panchayat, Harur and that the same was allotted for public Park vide proceedings in Na.Ka.No.674/2016/A1, dated 06.05.2017. Challenging the impugned cancellation order, the present Writ Petition is filed.



W.P.No.22821 of 2017

3. The respondent filed a detailed counter reiterating that the building plan approval granted to the petitioner was cancelled on the ground that subject land was earmarked as Park in the proceedings dated 09.02.1983 in Na.Ka.No.A4/1940/82. The respondent therefore submitted that the impugned order was perfectly legal and warranted no interference.

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

5. Today when the matter is taken up for hearing, Mr.Chinnapaiyan, Junior Assistant, Town Panchayat, Harur is present before this Court and his presence is recorded.

6. A perusal of the impugned order reveals that no notice was issued before cancelling the building plan approval sanctioned to the petitioner on 21.04.2017. Therefore the impugned order is vitiated for violation of the principles of natural justice. Be that as it may, it is seen that the building plan approval granted to the petitioner was cancelled only in view of the proceedings of the Town Panchayat dated 09.02.1983 in Na.Ka.No.A4/1940/82 showing the subject land as earmarked for Park.



However, to substantiate the same, the respondent ought to have produced the said document. Despite affording several opportunities, the respondent has failed to produce the document. Strangely the respondent submits that the document is not traceable. In the absence of the document, the contention of the respondent that the subject land is earmarked for park cannot be accepted.

7. It is further pertinent to mention here that the petitioner's forefathers had sold the adjacent property to one Samsath Begum and S.Geetha, who thereafter filed a suit in O.S.No.22 of 2000, before the District Munsif Court, Harur, against the present respondent and one another party / Town Panchayat for mandatory injunction. In the said civil proceedings also, the respondent herein had raised the very same contention that the subject land was earmarked as Park in view of the proceedings dated 09.02.1983 in Na.Ka.No.A4/1940/82. However, even on that occasion, the respondent did not produce the said document and consequently the Court rejected the contentions of the respondents therein and allowed the suit with costs on 21.08.2001.

8. In view of the above, this Court is of the opinion that in the



W.P.No.22821 of 2017

absence of the vital document, namely, the proceedings in Na.Ka.No.A4/1940/82 dated 09.02.1983, the stand of the respondent cannot be countenanced. Accordingly, this Court holds that the impugned order is unsustainable and is liable to be set aside. In view of the above discussions, the respondent is directed to issue a fresh building approval plan to the petitioner with respect to the subject property within a period of four weeks, from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

To:

The Executive Officer,
Harur Town Panchayat,
Harur, Dharmapuri District.



WEB COPY



W.P.No.22821 of 2017

N. MALA,J.,

vum

W.P.No.22821 of 2017 and
W.M.P.No.23990 of 2017



WEB COPY



W.P.No.22821 of 2017

28.08.2025