



WP No.33490 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.33490 of 2025

D.Kumar : Petitioner  
versus

- 1.The District Collector,  
Office of District Collector, Salem.
- 2.The Special Officer/Block Development Officer,  
Deviyakurichi Panchayat, Deviyakurichi,  
Thalaivasal Taluk, Salem District.
- 3.The Executive officer  
Deviyakurichi Village Panchayat,  
Deviyakurichi/ Thalaivasal Taluk,  
Salem District.

4.A.N.Panneerselvam : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for records with respect of the impugned proceedings of the 2<sup>nd</sup> respondent dated 07.08.2025 in Na.Ka.no. 1177/2022/Thi2 and quash the same.

For Petitioner : Mr.R.Nalliyappan  
For Respondents : Mr.A.Edwin Prabakar  
State Government Pleader  
Assisted By Mr. M. Habeeb Rahman  
Government Advocate  
For Respondents 1 to 3

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Mr. S.Praveennath Selvam,  
For Respondent No.4

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ORDER

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

By this petition filed under Article 226 of the Constitution of India, the petitioner seeks to challenge the legality and validity of the order dated 07.08.2025, by which the building permission has been cancelled.

2. The learned counsel for the petitioner would submit that the petitioner was not given any opportunity of hearing as mandated by this Court vide its order dated 25.04.2025 in WP No.10346 of 2025. He would further submit that before passing drastic order of cancellation of building permission, the petitioner was required to be afforded an opportunity of hearing.

3. On the other hand, the learned State Counsel would submit that as the order dated 25.04.2025 of this Court clearly records, the petitioner was already issued notice on 21.04.2025. The petitioner in reply to that notice did not offer any explanation. Therefore, the



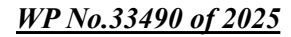
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principles of natural justice stood complied with and the impugned order has been passed.

4. If we look into the contents of notice dated 21.04.2025, assuming it was served on the petitioner, we find that it only required the petitioner to remove the first floor construction; else, it would be removed by the Corporation authorities.

5. The impugned order juxtaposed with the show cause notice dated 21.04.2025 reveals that the order of cancellation proceeds on inspection and finding that the petitioner has made extra construction on the ground floor. To be precise, it is stated that though the petitioner was granted approval to raise 411 sq.ft. of construction on the ground floor, he has made construction on 514 sq.ft., meaning thereby that extra construction has been raised on an area of 130 sq.ft., which is in violation of building approval.

6. It is thus clear that no notice was issued to the petitioner on the alleged ground which has been made basis to cancel the building permission. Apparently, notice dated 21.04.2025 was issued against



7. It appears that subsequently, on 26.06.2025, the petitioner was granted building approval for first floor and second floor as well. Upon grant of such approval, there was no cause remaining with the respondent authorities to proceed further with notice dated 21.04.2025.

8. In the writ petition, the petitioner has not made any averment that the construction on the ground floor has been made strictly in accordance with the building permission.

9. In the conspectus of the factual position as obtaining on record, we are inclined to set aside the impugned order of cancellation of building permission; however, with liberty to the respondent Corporation to issue fresh notice to the petitioner on the ground that the petitioner has raised extra construction on the ground floor. The petitioner, upon receipt of notice, shall remove such extra construction.



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10. The writ petition is allowed in the manner and to the extent as stated above. There will be no order as to costs. Consequently, WMP No.37627 of 2025 is closed.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)  
10.12.2025

Index : Yes/No  
Neutral Citation : Yes/No  
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