



W.P.No.37458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.37458 of 2024

1.P.Prema
2.R.Rajesh
3.R.Priya
4.N.Vijayakumar
(The petitioners are represented by their
Power Agents)

P.Murthy
M.Udhaya
P.Prasanna
R.Geethalakshmi

... Petitioners

vs.

1. The Director,
Town and Country Planning,
Head Office, Koyambedu 600 107.
2. The Assistant Director,
Town and Country Planning
Tiruvannamalai District,
27, Manalurpettai Road,
Tiruvannamalai 606601.
3. The Commissioner,
Arani Municipal Corporation,
Arani.



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4. The Sub-Registrar,
Arani, Tiruvannamalai.

5. Vinothkumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, calling for the records in Na.Ka.No.2632/2024/T.Malai dated 25.10.2024 issued by the 2nd respondent and quash the same.

For Petitioners : Mr.Sharath Chandran

For R1, R2 & R4 : Mr.N.Naveen Kumar
Govt.Advocate

For R3 : Dr.T.Seenivasan
Spl.Govt.Pleader

ORDER

The present writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 25.10.2024 and quash the same.

2. It is the case of the petitioners that the petitioners had lawfully purchased and developed the property, contend that the cancellation was issued in violation of the principles of natural justice, as no prior notice or

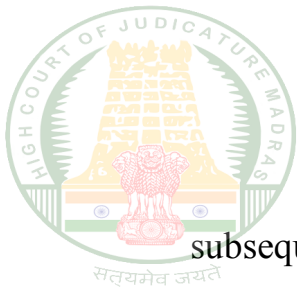


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opportunity to be heard was provided. Furthermore, the power agents asserted that the 2nd respondent acted beyond its jurisdiction, as the authority to recall or cancel the regularization under the rules does not exist. The power agents also argued that the 2nd respondent's decision was based on a interpretation of the facts, having failed to consider the sale deeds executed in 2015, which were relevant to determining compliance with the prescribed cut-off dated for regularization.

3. It is the further case of the petitioners that the complaint of the third party (5th respondent) who has no legal standing or vested interest in the matter, the 2nd respondent has cancelled the regularization, on the ground that the petitioners does not fulfill the condition the cut-off date as mentioned in Rule 3 of Regularization of Unapproved Plot and Layout Rule, 2017. Hence, the petitioners have filed the present writ petition.

4. The learned counsel appearing for the petitioners submitted that the order passed by the second respondent dated 08.10.2024 approving the regularization application of power agents for approval of the road layout Map of the unauthorized residential plot and the same was approved and



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subsequently the second respondent has cancelled the regularization dated 25.10.2024, no notice was issued to the petitioners.

5. The learned Government Advocate appearing for the second respondent has filed counter affidavit.

6. Heard the learned counsel appearing on either side and also perused the materials available on records.

7. In this case, planning permission was cancelled by the second respondent without giving due notice to the petitioners before passing the impugned order dated 25.10.2024 and the same is violation of principles of natural justice

8. In view of the submissions made by the learned counsel on either side, the second respondent is directed to conduct a detailed enquiry after due notice to the petitioners as well as the 5th respondent, affording an opportunity of personal hearing to consider the documents filed by both the parties, on merits and in accordance with law and pass appropriate orders,



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within a period of eight weeks from the date of receipt of a copy of this order.

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This writ petition stands disposed of with the above observation and direction. No costs.

26.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

1. The Director,
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Head Office, Koyambedu 600 107.
2. The Assistant Director,
Town and Country Planning
Tiruvannamalai District,
27, Manalurpettai Road,
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4. The Sub-Registrar,
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J.SATHYA NARAYANA PRASAD,J.

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