



W.P.No.39448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.39448 of 2024
and W.M.P.No.42704 of 2024

V.Ponnusamy

... Petitioner

Vs.

- 1.The District Collector,
and Inspector of Panchayats,
Kallakurichi District,
Kallakurichi.
- 2.Tashildar,
Chinnasalem Taluk,
Chinnasalem, Kallakurichi District.
- 3.The Assistant Director,
Town and Country Planning,
Kallakurichi District,
Kallakurichi.
- 4.The Chief Educational Officer,
Kallakurichi District,
Kallakurichi.
- 5.The Block Development Officer,
Village Panchayats,
Kallakurichi Panchayat Union,
Kallakurichi, Kallakurichi District.



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6.The President,
Madhavacherry Village Panchayat,
Kallakurichi Panchayat Union,
Madhavacherry,
Kallakurichi District.

7.Vellanna

8.A.Kamaraj ... Respondents

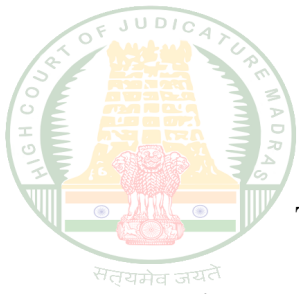
PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order dated 09.12.2024 made in Na.Ka.583/2023/Ka.ma-3 passed by the third respondent and quash the same and consequently direct the third respondent to restore the Technical Approval granted by him vide order dated 20.06.2023 in ROC No.WOMVK48G/11489/2023/2022/DCP in favour of the petitioner.

For Petitioner : Mr.M.R.Jothimanian

For Respondents 1 to 4 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondents 5 & 6 : Mr.S.Jayachandran,
Government Advocate

ORDER



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The petitioner has filed this petition to call for the records of the impugned order dated 09.12.2024 made in Na.Ka.583/2023/Ka.ma-3 passed by the third respondent and quash the same and consequently direct the third respondent to restore the Technical Approval granted by him vide order dated 20.06.2023 in ROC No.WOMVK48G/11489/2023/2022/DCP in favour of the petitioner.

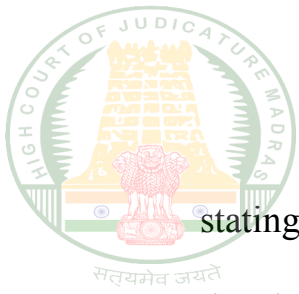
2. The case of the petitioner is that he is the absolute owner of the property comprised in S.Nos.181/2B1, 181/2C, 181/2D1, 181/2E1, 184/13A and 184/13B1 to an extent of 0.33.50 hectares, situated at Madhavacherry South Village, Chinnasalem Taluk, Kallakurichi District. Due to his financial condition, the petitioner decided to form a layout for residential house plots with approval of the respondents 1 to 6. Therefore, he made an application before the third respondent as per the Rule 6 of the Tamil Nadu Combined Development and Building Rules, 2019 and executed 3 Gift Deeds in favour of the sixth respondent dated 07.10.2022 and 02.06.2023 and in favour of TANGEDCO for transformer. The said Gift has been accepted by the respective authorities. The petitioner has complied with all the



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requirements and conditions stipulated in the Tamil Nadu Combined Development and Building Rules 2019 and made an application to the third respondent on 09.05.2023 along with necessary charges for the same.

2.1. After considering all the aspects and inspection, the third respondent granted technical approval/permission vide order dated 20.06.2023 in ROC No.WOMVK48G/11489/2023/2022DCP along with certain conditions as per the Tamil Nadu Combined Development and Building Rules, 2019. Pursuant to which the petitioner has approached the sixth respondent for final approval. But, the sixth respondent has not granted the same. Hence, the petitioner has filed writ petition before this Court in W.P.No.22865 of 2023 and this Court vide order dated 16.08.2023 directed the sixth respondent to consider the petitioner's application for layout approval. Despite the said order, the sixth respondent has not passed any order. Challenging the said order dated 16.08.2023, the petitioner has filed writ appeal in W.A.No.1907 of 2024 and the same is pending. Without



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stating any reason, the third respondent has cancelled the technical approval dated 20.06.2023 vide Na.Ka.583/2023/Ka.ma-3 dated 09.12.2024.

Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that the third respondent has passed the order dated 09.12.2024 without giving an opportunity of hearing to the petitioner. Hence, he prayed this Court to remit back the matter to the third respondent for fresh consideration.

4. A counter affidavit has been filed by the third respondent on 27.01.2025.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the submission made by the learned counsel for the petitioner, the impugned order dated 09.12.2024 made in



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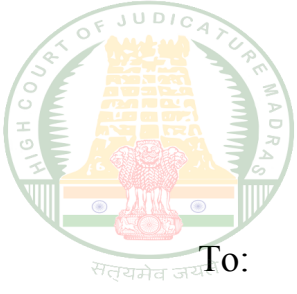
Na.Ka.583/2023/Ka.ma-3 passed by the third respondent is liable to be set aside and the same is set aside by this Court and the matter is remitted back to the third respondent for a fresh consideration, after giving due notice to the petitioner and respondents 7 & 8, opportunity of personal hearing, and time to submit his explanation. On receipt of the said explanation, the third respondent may consider the case of the petitioner afresh and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

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



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