

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.10479 of 2015 and M.P. No.1 of 2015

Sri Ramakrishna Educational and Charitable Trust  
running Sri Ramakrishna College of Education  
represented by its Chairman  
Thiru. P. Nallathambi  
25/14 Bazaar Street  
Sankarapuram 606 401

Petitioner

vs.

- 1 The Commissioner of Town and  
Country Planning  
807 Anna Salai  
Chennai 600 002
- 2 The Assistant Director of Town  
and Country Planning  
Villupuram Region  
Villupuram
- 3 The President  
Melapattu Village Panchayat  
Sankarapuram Taluk  
Villupuram District  
Villupuram

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the second respondent relating to the proceedings in Roc No.125/2015 dated 16.03.2015 and quash the same and consequently, forbear the respondents from in any manner interfering with the building of the petitioner Trust housing Sri Ramakrishna College of Education in Meleri, Melapattu Village, Sankarapuram Taluk, Villupuram District.

For petitioner Mr. P. Srinivas

For RR 1 & 2      Mr. N. Sakthivel  
Government Advocate

For R3              Mr. R. Ravichandran

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, takes notice for respondents 1 and 2. Mr. R. Ravichandran, learned counsel, takes notice for the third respondent. With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal.

2      This writ petition is filed challenging the notice dated 16.03.2015 issued by the second respondent in Na.Ka. No.125/2015, stating that in spite of opportunity having been given, the petitioner institution has not obtained the approved plan and therefore, the building in question will be locked and sealed.

3      The learned counsel appearing for the petitioner submits that the petitioner institution is having approved plan granted by the competent authority/local body and based on the approved plan only, the buildings were constructed prior to 2010. The learned counsel relies on a Division Bench judgment of this Court in *The District Collector and Others vs. Danial Thangaraj and another*<sup>1</sup> as well as the order of a learned Single Judge in *Apesh Construction Ltd. vs. The Corporation of Madurai*<sup>2</sup> and an unreported judgment dated 15.06.2012 passed in W.P. No.11031 of 2011, in support of his contentions.

4      In view of the contention of the petitioner/educational institution that it has obtained the approved plan from the competent local authority on 20.02.2002 and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representation qua the impugned notice dated 16.03.2015. It is stated by the learned counsel for the petitioner that the petitioner has already submitted a representation dated 30.03.2015 to the second respondent.

5      In such view of the matter, the second respondent shall consider the petitioner's aforesaid representation dated 30.03.2015 and pass appropriate orders in accordance with law and on merits, within a period of one week. Needless to state that each and every submission averred by the petitioner in its representation is to be

---

1 2013 WLR 925

2 2013 (2) CTC 180

adverted to and a reasoned order is required to be passed. Till fresh orders are passed by the second respondent, as stated supra, status quo as obtained today, in respect of the building of the petitioner/educational institution, shall be maintained by both the parties.

6 This writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner of Town and Country Planning  
807 Anna Salai  
Chennai 600 002
- 2 The Assistant Director of Town and Country Planning  
Villupuram Region  
Villupuram
- 3 The President  
Melapattu Village Panchayat  
Sankarapuram Taluk  
Villupuram District  
Villupuram

+ 1 cc to M/s. R. Ravichandran, Advocate SR.22640

+ 1 cc to M/s. P. Srinivas, Advocate SR.22615

MP (CO)  
EU 04.05.2015

WEB COPY

W.P. No.10479 of 2015