

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2015

CORAM:

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

W.P. No.11085 of 2015

and

M.P. No.1 of 2015

Valliammai Women's College of Arts and Science
represented by its Secretary

V. Boopathi

Vadakkarai

Thalanur

S. Kollur Village and Panchayat

Thirukoilur Taluk

Villupuram District - 605 752

... Petitioner

vs.

1. The Commissioner Directorate of Town and Country Planning
807 Anna Salai
Chennai 600 002

2. The Assistant Director
Office of the Assistant Director of
Town and Country Planning
Villupuram Region
Villupuram and District

3. The President
S. Kollur Village Panchayat
Thirukoilur Taluk
Villupuram District - 605 752

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records in respect of the impugned order issued by the second respondent vide his proceedings in ROC No.125/2015 dated 24.02.2015 and quash the same.

For petitioner : Mr. R. Suresh Kumar
For RR 1 & 2 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For R3 : Mr. Rajendra Prasad
Government Advocate

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for respondents 1 and 2. Mr. Rajendra Prasad, learned Government Advocate, takes notice for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed challenging the notice dated 24.02.2015 issued by the second respondent in ROC No.125 of 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 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 relied on a Division Bench judgment of this Court in The District Collector and Others vs. Danial Thangaraj and another¹ as well as the order of a learned Single Judge in Apesh Construction Ltd. vs. The Corporation of Madurai 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 authority and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representation about the impugned notice dated 24.02.2015 issued by the second respondent. It is stated by the learned counsel for the petitioner that the petitioner has already addressed a representation dated 12.03.2015 to the second respondent.

¹ 2013 WLR 925

5. In such view of the matter, the second respondent shall consider the said representation of the petitioner and pass appropriate orders in accordance with law and on merits. Needless to state that each and every submission averred by the petitioner in its representation is to be 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 Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Commissioner
Directorate of Town and Country Planning
807 Anna Salai
Chennai 600 002
2. The Assistant Director
Office of the Assistant Director of
Town and Country Planning
Villupuram Region
Villupuram and District
3. The President
S. Kollur Village Panchayat
Thirukoilur Taluk
Villupuram District - 605 752

+1cc to Mr.R.Suresh Kumar, Advocate, S.R.No.20743

+1cc to the Government Pleader, S.R.No.21052

W.P. No.11085 of 2015
and M.P.No.1 of 2015

BKY (CO)
CA(22/04/2015)