

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

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

W.P. No.11303 of 2015 and M.P. Nos.1 and 2 of 2015

Sri Gubera Vinayagar College of Education
Thamaraipulam
Vedaranyam T.K.
Nagapattinam District 614 809
represented by its Chairman
S. Karthikeyan

Petitioner

vs.

- 1 The Director of Town and Country Planning
Directorate of Town and Country Planning
IV Floor
Chengalvarayan Building (Opp. LIC)
807 Anna Salai
Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Tanjore Region
No.33, Rajappa Nagar
Medical College Road
Tanjore 613 007
- 3 The President
Thamaraipulam Village Panchayat
Thamaraipulam
Vedaranyam T.K.
Nagapattinam District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus relating to the notice in Na.Ka.No.546/2012 dated 16.03.2015 issued by the second respondent and quash the same and consequently, forbear the respondents 1,2 and 3 from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 with respect to the buildings erected by the petitioner college in respect of Survey

Nos.333/2B, 331-I/1 and 333/2C, Thamaraipulam, Vedaranyam T.K., Nagapattinam District, measuring a total extent of 19,596.60 sq. ft.

For petitioner	Mr. P. Harikrishnan
For respondents	Mr. P.S. Sivashanmugasundaram
	Special Government Pleader

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents. With the consent of the learned counsel for the parties, this writ petition is taken up final disposal at the admission stage itself.

2 This writ petition is filed challenging the notice dated 16.03.2015 issued by the second respondent in Na.Ka. No.546/2012, 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 another¹ as well as the order of a learned Single Judge in Apesh Construction Ltd. vs. The Corporation of Madurai² 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 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 17.04.2015.

5 In such view of the matter, the second respondent shall consider the petitioner's aforesaid representation dated 17.04.2015 and pass appropriate orders in accordance with law and on merits,

¹ 2013 WLR 925

² 2013 (2) CTC 180

within a period of one week. 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 Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

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Nagapattinam District.

1 cc to M/s.B.Rabu Manohar ,Advocate, SR.No.22180

W.P. No.11303 of 2015

ca(co)
pmk.12.5.2015