

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM:

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

W.P. Nos.11651 and 11652 of 2015 and M.P. No.1 of 2015

Sri Lakshmi College of Arts
and Science Rep. by its Managing Trustee A.
Manivannan No.65 Katcheri Road
Kallakurichi-606202 Villupuram District.
Petitioner in WP No.11651/2015

Sri Lakshmi College of Education
Rep. by its Managing Trustee
A. Manivannan No.65 Katcheri Road
Kallakurichi-606202 Villupuram District.
Petitioner in WP No.11652/2015

Vs

- 1 The Commissioner
Directorate of Town and Country Planning
807 Anna Salai Chennai-2.
- 2 The Assistant Director of
Town and Country Planning Villupuram Region
Villupuram Villupuram District.
- 3 The President
Bangaram Village Panchayat Bangaram
Kallakurichi Taluk Villupuram District.
Respondents in both the WPs

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Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned orders in Roc. No.125/2015 dated 24-02-2015 and 16-03-2015 respectively by the 2nd respondent, quash the same, consequently direct the 2nd respondent not to insist the petitioners to apply for any planning permission from the 3rd respondent for the existing constructions by considering the petitioners' representations dated 17-04-2015.

For petitioner Mr. N. Manokaran

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

COMMON ORDER

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

These writ petitions are filed challenging the orders of the second respondent Roc. No.125/2015 dated 24-02-2015 and 16-03-2015 respectively, stating that in spite of opportunity having been given, the petitioner-institutions have not submitted their approved plan and therefore, the buildings in question will be locked and sealed.

2 The learned counsel for the petitioners submits that the petitioner institutions are 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 Madurai² and an unreported judgment dated 15.06.2012 passed in W.P. No.11031 of 2011, in support of his contentions.

3 Since the petitioner/educational institutions are contending that they have obtained the approval plan from the competent authority and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institutions to submit their objections/representations about the impugned notices dated 24-02-2015 and 16-03-2015 respectively. It is stated by the learned counsel for the petitioners that the petitioners have already submitted representations dated 17-04-2015. The impugned notices dated 24-02-2015 and 16-03-2015 were issued based on a communication issued by the first respondent in D.O.Roc.No.9263/2012-UAC dated 21.07.2014. The second respondent is directed to get a clarification from the first respondent, who is bound to clarify, to take further

1 2013 WLR 925

2 2013 2 CTC 180

action in the matter, as the action initiated is based on the communication dated 21.07.2014 issued by the first respondent. After receiving the said clarification, the second respondent is directed to pass a speaking order, on consideration of the petitioners' representations dated 24-02-2015 and 16-03-2015 respectively, in accordance with law, within a period of one week from the date of receipt of a copy of this order. 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 institutions, shall be maintained by both the parties.

5 These writ petitions are disposed of with the above direction. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp
To

- 1 The Commissioner
Directorate of Town and Country Planning
807 Anna Salai Chennai-2.
- 2 The Assistant Director of
Town and Country Planning Villupuram Region
Villupuram Villupuram District.
- 3 The President
Bangaram Village Panchayat Bangaram
Kallakurichi Taluk Villupuram District.

2 cc to Mr. N. Manokaran ,Advocate, SR.No.21774, 21778

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ggk(co)
pmk.20.5.2015