

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.12008 of 2015 and M.P. Nos.1 and 2 of 2015

Sri Rangapoopathi Educational Charitable Trust
running the Sri Rangapoopathi College of Engineering
represented by its Chairman
Thiru. R. Poopathi
17, I Street, Raja Desinghu Nagar
Gingee, Villupuram District - 604 202

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
Aalampoondi Village Panchayat
Gingee 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 24.02.2015 and quash the same and consequently, forbear the respondents from in any manner interfering with the peaceful possession of the building of the petitioner Trust housing the Sri Rangapoopathi College of Engineering in Aalampoondi Village, Gingee Taluk, Villupuram District.

For petitioner Mr. P. Srinivas

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
 Special Government Pleader
For R3 Mrs. A. Srijayanthi

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. Mrs. A. Srijayanthi, 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 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.125/2015, 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*¹ as well as the order of a learned Single Judge in *Apesh Construction Ltd. vs. The Corporation of Madurai*² 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 qua the impugned notice dated 24.02.2015. It is stated by the learned counsel for the petitioner that the petitioner has already submitted a representation dated 27.03.2015.

5 In such view of the matter, the second respondent shall consider the petitioner's aforesaid representation dated

1 2013 WLR 925

2 2013 (2) CTC 180

27.03.2015 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 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/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. 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
Aalampoondi Village Panchayat
Gingee Taluk
Villupuram District
Villupuram

1 cc to Mr.P. Srinivas, Advocate, sr. 22155
1 cc to Government Pleader, Sr. 22540

W.P. No.12008 of 2015

SV (CO)

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