

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. Nos.12009 to 12011 of 2015 and M.P. Nos.1,1 and 1 of 2015

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

Petitioner in WP
No.12009/2015

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

Petitioner in WP
No.12010/2015

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

Petitioner in WP
No.12011/2015

vs.

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

R1 in all the Writ Petitions

2 The Assistant Director of Town and Country Planning
Villupuram Region
Villupuram

R2 in all the writ petitions

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3 The President
Aalampoondi Village Panchayat
Gingee Taluk
Villupuram, Villupuram District

R3 in WP No.12009 and
12010/2015

3 The President
Perungapoor Village Panchayat
Gingee Taluk
Villupuram, Villupuram District

R3 in WP No.12011/2015

Prayer in W.P. No.12009 of 2014:

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 peaceful possession of the building of the petitioner Trust housing the Sri Rangapoopathi College of Education in Aalampoondi Village, Gingee Taluk, Villupuram District.

Prayer in W.P. No.12010 of 2014:

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 peaceful possession of the building of the petitioner Trust housing the Sri Rangachinnammal College of Education in Aalampoondi Village, Gingee Taluk, Villupuram District.

Prayer in W.P. No.12011 of 2014:

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 peaceful possession of the building of the petitioner Trust housing the Sri Rangapoopathi College of Nursing in Perungapoor Village, Gingee Taluk, Villupuram District.

For petitioner
in all the WPs Mr. P. Srinivas

For RR 1 & 2 Mr. P. S. Sivashanmugasundaram
in all the WPs Special Government Pleader

For R3
in all the WPs Mrs. A. Srijayanthi

COMMON 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, the writ petitions are taken up final disposal at the admission stage itself.

2 These writ petitions are filed challenging the notices dated 16.03.2015 issued by the second respondent in Roc Nos.125/2015, stating that in spite of opportunity having been given, the petitioner institutions have not obtained the approved plan and therefore, the buildings in question will be locked and sealed.

3 The learned counsel appearing 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 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 petitioners/educational institutions that they have obtained the approved plan from the competent authority and the buildings were constructed as per the approved plan, it is open to the petitioners/educational institutions to submit their objections/representations qua the impugned notices dated 16.03.2015. It is stated by the learned counsel for the petitioners that the petitioners have already submitted representations dated 27.03.2015.

1 2013 WLR 925

2 2013 (2) CTC 180

5 In such view of the matter, the second respondent shall consider the petitioners' aforesaid representations dated 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 petitioners in their representations 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 buildings of the petitioners/educational institutions, shall be maintained by both the parties.

6 These writ petitions are disposed of with the above direction. No costs. Connected Miscellaneous Petition 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, Villupuram District
- 4 The President
Perungapoor Village Panchayat
Gingee Taluk
Villupuram, Villupuram District

1 cc to Government Pleader, Sr. 22540

3 ccs to Mr.P. Srinivas, Advocate, Sr. 22155

W.P. No.12009 to 12011 of 2015

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