

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.12072 and 12073 of 2015 and M.P. Nos.1 and 1 of 2015

A.K.T. Noble Cause Volunteers Trust
represented by its Managing Trustee
A.K.T. Mahendran
S/o A.K. Thaga Pillai
No.11, Cutchery Road
Kallakurichi, Villupuram District Petitioner in both the WPs.

vs.

- 1 The Director of Town and Country Planning
Chengalvarayan Building
807, Anna Salai
Chennai 600 002
- 2 The Assistant Director
Town and Country Planning
Villupuram Region
56/A, Government Hospital Road
Villupuram, 605 602
- 3 The President
Neelamangalam Panchayat
Kallakurichi, Villupuram District Respondents in both the WPs

Prayer in W.P. No.12072 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the second respondent relating to the notice issued to AKT Memorial College of Engineering and Technology in Roc.No.125/2015 dated 24.02.2015 on his file and quash the same.

Prayer in W.P. No.12073 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the second respondent relating to the notice issued to AKT Memorial Polytechnic College in Roc.No.125/2015 dated 24.02.2015 on his file and quash the same.

For petitioner Mrs. Hema Sampath, Sr. Counsel
in both the WPs for M/s. R. Meenal

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

For R3
in both the WPs Mr. A. Kumar

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. Mr. A. Kumar, learned counsel, takes notice for the third respondent. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed challenging the notices dated 24.02.2015 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 Senior 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 Senior 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 her contentions.

4 In view of the contention of the petitioners/educational institutions that they have obtained the approved plan from the competent local 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 24.02.2015. On receipt of the petitioners' objections/representations, the second respondent shall consider

1 2013 WLR 925

2 2013 (2) CTC 180

the same 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 objections/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 building of the petitioners/educational institutions, shall be maintained by both the parties.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

1 The Director of Town and Country Planning
Chengalvarayan Building
807, Anna Salai
Chennai 600 002

2 The Assistant Director
Town and Country Planning
Villupuram Region
56/A, Government Hospital Road
Villupuram, 605 602

3 The President
Neelamangalam Panchayat
Kallakurichi, Villupuram District

2 ccs to Mrs.R. Meenal, Advocate, sr. 22455, 22456

1 cc to Government Pleader, Sr. 22539

W.P. No.12072 and 12073 of 2015

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