

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

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

W.P. Nos.12353, 12354 and 12356 of 2015
and M.P. Nos.1 and 2 of 2015

Vivekanandha College for Women
represented by its Chairman and Secretary
Unjanai
Elayampalayam Post - 637 205
Thiruchengodu Taluk
Namakkal District

Petitioner in WP No.12353/2015

Krishnasree College of Education
for Women
represented by its Chairman and Secretary
Sathinaickenpalayam
Elayampalayam 637 205
Thiruchengodu Taluk
Namakkal District

Petitioner in WP No.12354/2015

Krishna College of Education for Women
represented by its Chairman and Secretary
Sathinaickenpalayam
Elayampalayam 637 205
Thiruchengodu Taluk
Namakkal District

Petitioner in WP
No.12356/2015

सत्यमेव जयते vs.

- 1 The Commissioner of Town and Country Planning
O/o the Directorate of Town and Country Planning
807 Anna Salai, Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Salem Region
No.6, Sannadhi Street
Subramanya Nagar
Sooramangalam
Salem 636 005

RR 1 & 2 in all the WPs

3 The President
Unjanai Panchayat
Elachipalayam Union
Thiruchengodu Taluk
Namakkal District

R3 in WP No.12353/2015

3 The President
Sathinaikkanpalayam Panchayat
Sathinaickenpalayam 637 205
Namakkal Taluk

R3 in WP Nos.12354 & 12356/2015

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the respondents, relating to the orders of the first respondent in D.O. Roc No.9263/2012-UAC dated 21.07.2014 and the orders of the second respondent ending with Roc No.979/2011 SR-3 dated 08.08.2014 and Roc No.1537/2014 SR-3 dated 12.02.2015 and quash the same.

For petitioner Mr. Kandhan Doraisamy
in both the WPs for M/s. Muthumani Doraisami

For RR 1 & 2 Mr. N. Sakthivel
in both the WPs Government Advocate

For R3 in Mr. M. Digvijaya Pandian
WP No.12353 and
12354/2015

For R3 in Mrs. M.E. Rani Selvam
WP No.12356/2015

COMMON ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2 in all the three writ petitions. Mr. M. Digvijayapandian, learned counsel, accepts notice for the third respondent in W.P. Nos.12353 and 12354 of 2015 and Mrs.M.E. Rani Selvam, learned counsel, accepts notice for the third respondent in W.P No.12356 of 2015. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2 These writ petitions are filed challenging the orders of the first respondent in D.O. Roc No.9263/2012-UAC dated 21.07.2014 and the orders of the second respondent ending with Roc No.979/2011 SR-3 dated 08.08.2014 and Roc No.1537/2014 SR-3 dated 12.02.2015,

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.

3 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 another*¹ as well as the order of a learned Single Judge in *Apesh Construction Ltd.*² vs. *The Corporation of Madurai* and an unreported judgment dated 15.06.2012 passed in W.P. No.11031 of 2011, in support of his contentions.

4 The impugned notices dated 08.08.2014 and 12.02.2015 were passed based on D.O.Roc. No.9263/2012-UAC dated 21.07.2014, which is also impugned in this writ petition. Since the petitioners/educational institutions are contending that they have obtained the approval 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 12.02.2015. It is stated by the learned counsel for the petitioners that the petitioners have already submitted their representations dated 20.02.2015. As referred to above, the impugned notices dated 12.02.2015 were issued based on the communication issued by the first respondent. Hence, the second respondent is directed to get a clarification from the first respondent, who is bound to clarify, to take further action in the matter, as the action initiated is based on D.O.Roc.No.9263/2012-UAC 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 20.02.2015, in accordance with law, within a period of one week. Needless to state that each and every submission averred by the petitioners in their 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 buildings of the petitioners/educational institutions, shall be maintained by both the parties.

1 2013 WLR 925

2 2013 (2) CTC 180

5 These writ petitions are disposed of with the above direction and observation. 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
O/o the Directorate of Town and Country Planning
807 Anna Salai, Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Salem Region
No.6, Sannadhi Street
Subramanya Nagar Sooramangalam
Salem 636 005
- 3 The President
Unjanai Panchayat
Elachipalayam Union Thiruchengodu Taluk
Namakkal District
- 4 The President
Sathinaikkanpalayam Panchayat
Sathinaickenpalayam 637 205
Namakkal Taluk

3 ccs to M/s. Muthumani Doraisami, Advocate, sr. 22686
1 cc to Mr.M. Digvijayapandian, Advocate, sr. 23394
2 ccs to Government Pleader, Sr. 22926, 22915

W.P. Nos.12353, 12354 and 12356 of 2015

NM (CO)
kk 5/5

WEB COPY