

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. No.12363 and M.P. Nos.1 and 2 of 2015

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

...Petitioner

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
- 3 Sathinaikkanpalayam Panchayat
represented by its President
Sathinaickenpalayam 637 205
Namakkal District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the respondents, relating to the order of the second respondent in Na.Ka.No.979/2011-SR-3 dated 17.05.2011 and the order of the first respondent ending with D.O. Roc. No.9263/2012-UAC dated 21.07.2014 and quash the same.

For petitioner : Mr. Kandhan Doraisamy

For RR 1 & 2 : Mr. N. Sakthivel
Government Advocate

For R3 in : Mrs. M.E. Rani Selvam

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. Mrs. M.E. Rani Selvam, learned counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed challenging the order of the second respondent in Na.Ka.No.979/2011 SR-3 dated 17.05.2011 and the order of the first respondent ending with D.O. Roc No.9263/2012-UAC dated 21.07.2014, stating that in spite of opportunity having been given, the petitioner institution has not submitted its approved plan and therefore, the building in question will be locked and sealed.

3 The learned counsel 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 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.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 Since the petitioner/educational institution is contending that it has obtained the approval plan from the competent local authority and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representations qua the impugned notices. It is stated by the learned counsel for the petitioner that the petitioner has already submitted its representation dated 20.04.2015 to the second respondent.

¹ 2013 WLR 925

² 2013 (2) CTC 180

5 In such view of the matter, the second respondent shall consider the petitioner's aforesated representation dated 20.04.2015 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/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant 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
Sathinaikkanpalayam Panchayat
Sathinaickenpalayam 637 205
Namakkal District

- 1 CC to M/s. Muthumani Doraisami, Advocate SR.No. 22687
1 CC to the Government Pleader, SR.No. 22928

W.P. No.12363 of 2015

KU (CO)
PSI (05.05.2015)