

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2015

CORAM:

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

W.P. Nos.12488 and 12489 of 2015 and M.P. Nos.1 and 1 of 2015

T.S.M. Jain College of Technology
represented by its Chairman
T. Manohar Kumar Surana
Melur, Kallakurichi Taluk
Villupuram District - 606 201

Petitioner in WP No.12488/2015

T.S.M. College of Education
represented by its Chairman
T. Manohar Kumar Surana
Melur, Kallakurichi Taluk
Villupuram District - 606 201

Petitioner in WP No.12489/2015

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

RR 1 & 2 in both the WPs

3 The President
Melur Village Panchayat
Kallakurichi Taluk, Villupuram District

R3 in WP
No.12488/2015

3 The President
Kaniyamur Village Panchayat
Kallakurichi Taluk, Villupuram District

R3 in WP
No.12489/2015

Writ Petitions 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 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 Trusts housing TSM College of Technology, Melur Village, Kallakurichi Taluk, Villupuram District and T.S.M. College of Education, Kaniyamur Village, Kallakurichi Taluk, Villupuram District, respectively.

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

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. With the consent of the learned counsel for the petitioners and the learned Government Advocate appearing for respondents 1 and 2, these 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 and 16.03.2015 respectively 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 local authority and the buildings were constructed as per the approved plan, it is open to the petitioners/educational institutions to submit their objections/representation qua the impugned notice dated 24.02.2015 and 16.03.2015 respectively. It is stated by the learned counsel for the petitioners that the petitioners have already submitted their representations dated

¹ 2013 WLR 925

² 2013 (2) CTC 180

09.03.2015 and 02.04.2015, respectively.

5 In such view of the matter, the second respondent shall consider the petitioners' aforesaid representations dated 09.03.2015 and 02.04.2015 respectively 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 and observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant 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
Melur Village Panchayat
Kallakurichi Taluk
Villupuram District
- 4 The President
Kaniyamur Village Panchayat
Kallakurichi Taluk
Villupuram District.

2 cc to Mr.P. Srinivas ,Advocate, SR.No.23344

1 cc to Government Pleader,Sr.No23234

W.P. Nos.12488 and 12489 of 2015

rsi (co)pmk.5.5.2015