

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.12540 and 12541 of 2015 and
M.P. Nos.1 and 2 of 2015

K.M.G. Charitable Trust
represented by its Managing Trustee
Valparai Main Road
Angalakurichi
Pollachi Taluk
Coimbatore District - 642 007

Petitioner in both the
WPs

Vs

- 1 The Director of Town and Country Planning
Chengalvarayan Building
807, Anna Salai Chennai-2
- 2 The Deputy Director
Town and Country Planning
Coimbatore Region
Corporation Shopping Complex
Dr. Nanjappa Road
Coimbatore-640 018
- 3 The President
Angalakurichi Pollachi Taluk
Coimbatore District

Respondents in both the WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the second respondent relating to the notices issued by him to K.M.G. College of Education and K.M.G. Polytechnic College in Na.Ka.No. 3037/2012 Ko.Ma.4 and Na.Ka.No. 3093/2012 Ko.Ma.4 dated 13.04.2015, respectively and to quash the same and direct the second respondent to open the sealed room in the College premises

For petitioner
in both the WPs

Mrs. Hema Sampath, Senior Counsel
for M/s. R. Meenal, T. Sezhian &
K.V. Muthu Visakan

For RR 1 & 2

Mr. N. Sakthivel
Govt. Advocate

For R3

Mr. P. Gunasekaran
Addl. Govt. Pleader

COMMON ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for respondents 1 and 2. Mr. P. Gunasekaran, 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 orders of the second respondent in Na.Ka.No.3037/2012 Ko.Ma.4 dated 13.04.2015 and Na.Ka.No.3093/2012 Ko.Ma.4 dated 13.04.2015 respectively, 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 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/representation qua the impugned notices dated 13.04.2015. On receipt of the petitioners' objections/representation, the second respondent shall consider the

¹ 2013 WLR 925

² 2013 (2) CTC 180

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 petitioner in its objections/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.

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

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

1 The Director of Town and Country Planning
Chengalvarayan Building
807, Anna Salai Chennai - 2

2 The Deputy Director
Town and Country Planning
Coimbatore Region
Corporation Shopping Complex
Dr. Nanjappa Road
Coimbatore - 640 018

3 The President
Angalakurichi Pollachi Taluk
Coimbatore District

1 cc to Government Pleader, Sr. 23243

W.P. No.12540 & 12541 of 2015

SKV (CO)

kk 6/5