

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

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

W.P. No.13029 of 2015
and
M.P. No.1 of 2015

Sri Annamalai Polytechnic College
Chennai Highway
Padur
Ulundurpet Taluk
Villupuram District

... Petitioner

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
Padur Panchayat
Ulundurpet Taluk
Villupuram District

... Respondents

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 the petitioner in Roc No.125/2015 dated 24.02.2015 and quash the same.

For petitioner : Mrs. Hema Sampath, Sr. Counsel
for M/s. R. Meenal

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

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. With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed challenging the notice dated 24.02.2015 issued by the second respondent in Roc No.125/2015 under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, stating that in spite of opportunity having been given, the petitioner institution has not obtained the approved plan and therefore, the building in question will be locked and sealed.

3. The learned Senior Counsel appearing 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 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 petitioner/educational institution that it has obtained the approved plan from the competent local authority on 14.02.2009 and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representation qua the impugned notice dated 24.02.2015. On receipt of the petitioner's objections/representation, the second respondent shall consider 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

¹ 2013 WLR 925

² 2013 (2) CTC 180

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 building of the petitioner/educational institution, shall be maintained by both the parties.

5. This writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant 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
Padur Panchayat
Ulundurpet Taluk
Villupuram District

+1cc to M/s.R.Meenal, Advocate, S.R.No.24786
+1cc to the Government Pleader, S.R.No.23968

CA(CO)
CA(19/05/2015)

W.P. No.13029 of 2015

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