

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. Nos.13083 and 13084 of 2015
and
M.P. Nos.1 and 2 of 2015

Kamala College of Education
administered by Indian Child Welfare Services
Thirunavalur
Villupuram District 607 204
represented by its Secretary
J. Prabhakar Jayaraj ... Petitioner in WP No.13083/2015

Joseph Arts and Science College
administered by Indian Child Welfare Services
Thirunavalur, Villupuram District 607 204
represented by its Secretary
J. Prabhakar Jayaraj Petitioner in WP
No.13084/2015

vs.

- 1 The Director of Town and Country Planning
Directorate of Town and Country Planning
IV Floor
Chengalvarayan Building (Opp. LIC)
807 Anna Salai, Chennai 600 002
- 2 The Assistant Director of Town and Country Planning
Villupuram Region
Villupuram District
- 3 The President
Thirunavalur Village Panchayat
Ulundurpet T.K.
Villupuram District ... Respondents in both the Wps

Prayer in W.P. No.13083 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned notice in ROC No.125/2015 dated 16.03.2015 issued by the second respondent and quash the same and consequently, forbear the respondents 1,2 and 3 from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the buildings erected by the petitioner college in respect of Survey Nos.172/12, 173/13, 173/2 and 181/10, Thirunavalur Village, Ulundurpet T.K., Villupuram District, measuring a total extent of 22,000 sq. ft.

Prayer in W.P. No.13084 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned notice in ROC No.125/2015 dated 04.03.2015 issued by the second respondent and quash the same and consequently, forbear the respondents 1,2 and 3 from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the buildings erected by the petitioner college in respect of Survey Nos.154/13, 154/14 and 154/15, Thirunavalur Village, Ulundurpet T.K., Villupuram District, measuring a total extent of 25,000 sq. ft.

For petitioner : Mr. P. Harikrishnan
in both the Wps

For RR 1 & 2 : Mr. P.S. Sivashanmugasundaram
in both the WPs Special Government Pleader

For R3 : Mr. M.S. Ramesh
in both the WPs

COMMON ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Mr. M.S. Ramesh, learned counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, these writ petitions are taken up final disposal, at the admission stage itself.

2. These writ petitions are filed challenging the notices dated 16.03.2015 and 04.03.2015 respectively issued by the second respondent in Roc.No.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 notices dated 16.03.2015 and 04.03.2015 respectively. It is stated by the learned counsel for the petitioners that the petitioners have already submitted representations dated 18.04.2015.

5. In such view of the matter, the second respondent shall consider the petitioners' aforesaid representations dated 18.04.2015 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 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.

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¹ 2013 WLR 925

² 2013 (2) CTC 180

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Director of Town and Country Planning
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Thirunavalur Village Panchayat
Ulundurpet T.K.
Villupuram District

+2cc's to M/s.B.Rabu Manohar, Advocate, S.R.No.23636, 23637
+1cc to the Government Pleader, S.R.No.24267

W.P. Nos.13083 and 13084 of 2015
and Connected Mps

SAI (CO)
CA(08/05/2015)

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