

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

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

W.P. No.13229 of 2015
and
M.P. No.1 of 2015

Theivanai Ammal College for Women
represented by its Secretary
having their Office at
Chennai-Trichy Trunk Road
Villupuram 605 401

... Petitioner

vs.

1. The Commissioner and Secretary
Town and Country Planning
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Director
Town and Country Planning
807 Anna Salai
Chennai 600 002
3. The Assistant Director
Town and Country Planning
Villupuram Region
Villupuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records on the file of the third respondent in reference Roc No.125/2015 dated 24.02.2015 and quash the same since the same is vitiated by an error apparent on the face of the records.

For petitioner : Mr.S.A. Rajan

For respondents : Mr. N. Sakthivel
Government Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents. 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 notice dated 24.02.2015 issued by the second respondent in Roc. No.125/2015, 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 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 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 petitioner/educational institution that it has obtained the approved plan from the competent local authority in 1991 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 third 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 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 third respondent, as stated supra, status quo as

¹ 2013 WLR 925

² 2013 (2) CTC 180

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 V)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Commissioner and Secretary
Town and Country Planning
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Director
Town and Country Planning
807 Anna Salai
Chennai 600 002
3. The Assistant Director
Town and Country Planning
Villupuram Region
Villupuram

+1cc to the Government Pleader, S.R.No.24743
+1cc to M/s.S.A.Rajan, Advocate, S.R.No.6441

W.P. No.13229 of 2015

KJI (CO)
CA(15/05/2015)

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