

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.13260 of 2015 and M.P. No.1 of 2015

The Secretary
Idhaya College of Arts and Science for Women
Pudupalayam Village
Chengam Taluk
Tiruvannamalai District 606 705

Petitioner

vs.

1 The Director of Town and Country Planning
Directorate of Town and Country Planning
No.807 Anna Salai, Chennai 600 002

2 The Deputy Director of Town and Country Planning
Vellore Region
239, Phase II
Sathuvachery, Vellore 632 009

3 The President/District Collector
Tiruvannamalai Local Planning Authority
Tiruvannamalai District

4 The Member Secretary
Tiruvannamalai Local Planning Authority
Tiruvannamalai District

5 The Pudupalayam Town Panchayat
Pudupalayam
Tiruvannamalai District,
represented by its Executive Officer

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the impugned notice issued by the second respondent-Deputy Director of Town and Country Planning in Na.Ka.No.625/2011/Vema3

dated 13.02.2015 and quash the same.

For petitioner : Mr. P. Godson Swaminathan
For RR 1 - 4 : Mr. N. Sakthivel, Government Advocate
For R5 : Mr. N. Sakthivel, Government Advocate
for Ms. P. Kavitha

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for respondents 1 to 4 and he also represents Ms. P. Kavitha, learned counsel for the third respondent. With the consent of the learned counsel for the parties, this writ petition is taken up final disposal at the admission stage itself.

2 This writ petition is filed challenging the notice dated 13.02.2015 issued by the second respondent in Na.Ka.No.625/2011/Vema3 dated 13.02.2015, 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 on 10.06.2004 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 13.02.2015. It is stated by the learned counsel for the petitioner that the petitioner has already submitted a representation

1 2013 WLR 925

2 2013 (2) CTC 180

dated 06.04.2015.

5 In such view of the matter, the second respondent shall consider the petitioner's aforestated representation dated 06.04.2015 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 petitioner in its 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.

6 This writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/true copy/

Sub-Assistant Registrar

cad

To

- 1 The Director of Town and Country Planning
Directorate of Town and Country Planning
No.807 Anna Salai, Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Vellore Region
239, Phase II
Sathuvachery, Vellore 632 009
- 3 The President/District Collector
Tiruvannamalai Local Planning Authority
Tiruvannamalai District
- 4 The Member Secretary
Tiruvannamalai Local Planning Authority
Tiruvannamalai District

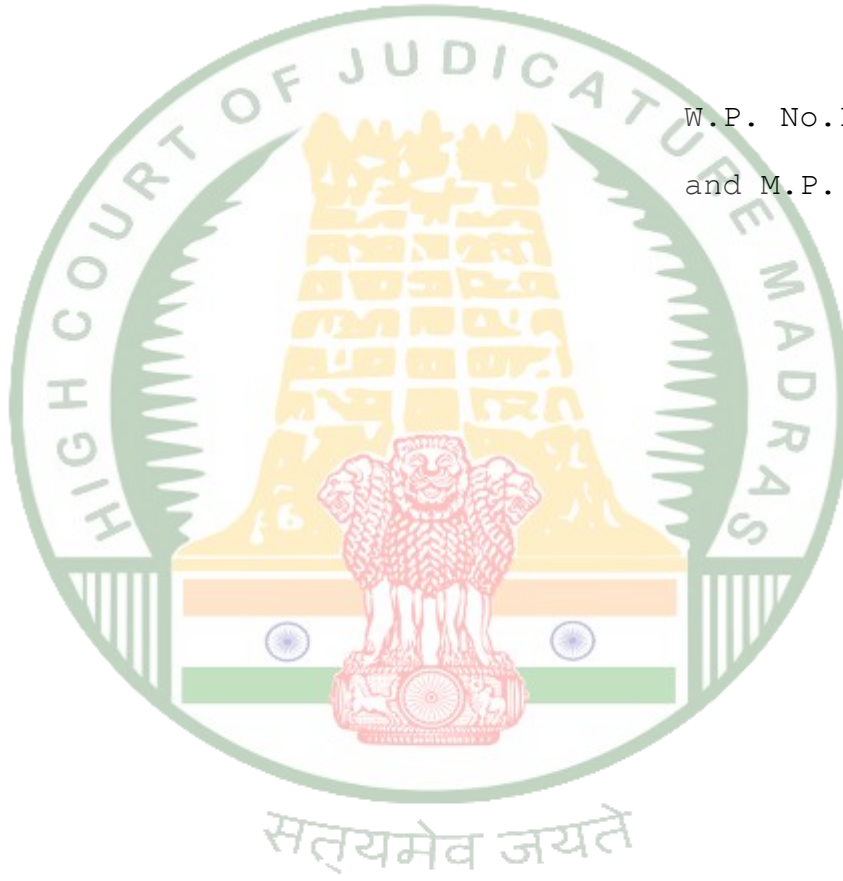
5 The Executive Officer
Pudupalayam Town Panchayat
Pudupalayam
Tiruvannamalai District

+1 CC to Govt Pleader. SR.No.23975/15

CO-AK
JD 19/05/2015

W.P. No.13260 of 2015
and M.P. No.1 of 2015

29.04.2015



WEB COPY