

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.13388 of 2015 and M.P. No.1 of 2015

Kennedy College of Education
represented by its Chairman
Bangalore Road
S.N. Palayam Village
Agaramcheri Post
Vaniambadi Taluk
Vellore District

Petitioner

vs.

- 1 The Director of Town and
Country Planning
Anna Salai
Chennai 600 002
- 2 The Deputy Director of Town
and Country Planning
Vellore Region
Sathuvacheri
Vellore 632 009
- 3 The President
Agaramcheri Village Panchayat
Vaniambadi Taluk
Vellore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the order passed by the second respondent in Na.Ka. 625/2011/Ve.Ma.3 dated 15.04.2015 and quash the same and direct the second respondent to remove the lock and seal fixed in the buildings of Kennedy College of Education, S.N. Palayam, Agaramcheri, Vaniambadi Taluk, Vellore District.

For petitioner Mr. S. Kamadevan
For RR 1 & 2 Mr. N. Sakthivel, Government Advocate
For R3 Mr. Jayaprakash Narayanan

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. Jayaprakash Narayanan, learned counsel, takes notice 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 15.04.2015 issued by the second respondent in Na.Ka.No.625/2011/Ve Ma 3, 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 05.04.2004 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 15.04.2015. 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 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.

¹ 2013 WLR 925

² 2013 (2) CTC 180

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Director of Town and Country Planning
Anna Salai
Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Vellore Region
Sathuvacheri
Vellore 632 009
- 3 The President
Agaramcheri Village Panchayat
Vaniambadi Taluk
Vellore District

+ 1 cc to Mr.S.Kamadevan, Advocate SR.24802

+ 1 cc Government Pleader Sr.24802

KJI(CO)
EU 19.05.2015

सत्यमेव जयते

W.P. No.13388 of 2015

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