

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.Nos.13472 and 13473 of 2015
and
M.P. Nos.1 and 2 of 2015

Tagore Institute of Engineering and Technology
represented by its Secretary
Deviyakurichi
Attur (Tk.)
Salem District 636 112 ... Petitioner in WP No.13472 of 2015

Tagore College of Education
represented by its Secretary
Deviyakurichi Post
Thalaivasal
Attur (Tk.), Salem District 636 112 ... Petitioner in WP No.13473
of 2015

Vs.

- 1 The Commissioner of Town and Country Planning
O/o. The Directorate of Town and Country Planning
807 Anna Salai
Chennai-2
- 2 The Deputy Director of Town and Country Planning
Salem Region
No.6 Sannathi street
Subramania Nagar
Sooramanglam, Salem 636 005 ... RR 1 & 2 in both the WPs
- 3 Manivilundhan Village Panchayat
represented by its President
Manivilundhan, Attur Taluk
Salem District 636 112 ... R3 in WP No.13472/2015

order of a learned Single Judge in Apesh Construction Ltd.² vs. The Corporation of Madurai and an unreported judgment dated 15.06.2012 passed in W.P. No.11031 of 2011, in support of his contentions.

4 The order dated 21.07.2014 passed by the first respondent in D.O.Roc. No.9263/2012-UAC and the notices dated 13.02.2015 issued by the second respondent are assailed in these writ petitions. Since the petitioners/educational institutions are contending that they have obtained the approval plan from the competent local authority on 24.09.2007 and 02.10.2003 respectively and the buildings were constructed as per the approved plan, it is open to the petitioners/educational institutions to submit their objections/representations qua the impugned notices dated 13.02.2015. It is stated by the learned counsel for the petitioners that the petitioners have already submitted their representations dated 24.04.2015. As referred to above, the impugned notices dated 13.02.2015 were issued based on the communication issued by the first respondent. Hence, the second respondent is directed to get a clarification from the first respondent, who is bound to clarify, to take further action in the matter, as the action initiated is based on D.O.Roc.No.9263/2012-UAC dated 21.07.2014 issued by the first respondent. After receiving the said clarification, the second respondent is directed to pass a speaking order, on consideration of the petitioners' representations dated 24.04.2015, in accordance with law, 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.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner of Town and Country Planning
O/o.The Directorate of Town and Country Planning
807 Anna Salai, Chennai-2
- 2 The Deputy Director of Town and Country Planning
Salem Region
No.6 Sannathi street
Subramania Nagar
Sooramanglam, Salem 636 005
- 3 The President
Manivilundhan Village Panchayat
Manivilundhan, Attur Taluk
Salem District 636 112
- 4 The President
Deviyakurichi Village Panchayat
Deviyakurichi, Attur Taluk
Salem District - 636 112

+2cc's to M/s.Muthumani Doraisamy, Advocate, S.R.No.24646 & 24065
+1cc to M/s.P.Sanjai Gandhi, Advocate, S.R.No.24577
+1cc to the Government Pleader, S.R.No.24735

W.P. Nos.13472 and 13473 of 2015

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

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