

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.13516 of 2015
and
M.P. Nos.1 and 2 of 2015

Angel College of Engineering and Technology
represented by its Chairman
PK Palayam Post
Dharapuram Main Road
Ugayanur Village
Tiruppur 641 665

... Petitioner

vs.

- 1 The Commissioner of Town and Country Planning
O/o the Directorate of Town and Country Planning
807 Anna Salai
Chennai 600 002
- 2 The Deputy Director of Town and Country Planning
Coimbatore Region Coimbatore - 18
- 3 Ugayanur Village Panchayat
represented by its President
Ugayanur, Ugayanur Village
Tiruppur 641 665

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the respondents relating to the order of the first respondent in D.O. Roc.No.9263/2012-UAC dated 21.07.2014 and the orders of the second respondent in Na.Ka.No.2693/2012 KoMa 4 dated 16.09.2014 and Na.Ka.No.4256/2014 KoMa 4 dated 10.03.2015 and quash the same.

For petitioner : Mr. Kandhan Doraisamy
For RR 1 & 2 : Mr. N. Sakthivel, Government Advocate
For R3 : Mr. RM. Muthukumar

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2. Mr. RM. Muthukumar, learned counsel, accepts 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 order of the first respondent in D.O. Roc No.9263/2012-UAC dated 21.07.2014 and orders of the second respondent in Na.Ka.No.2693/2012 KoMa 4 dated 16.09.2014 and Na.Ka.No.4256/2014 KoMa 4 dated 10.03.2015, stating that in spite of opportunity having been given, the petitioner institutions have not submitted their approved plan and therefore, the building in question will be locked and sealed.

3 The learned counsel 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.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 of the first respondent in D.O. Roc No.9263/2012-UAC dated 21.07.2014 and the orders of the second respondent in Na.Ka.No.2693/2012 KoMa 4 dated 16.09.2014 and Na.Ka.No.4256/2014 KoMa 4 dated 10.03.2015, are assailed in this writ petition. Since the petitioner/educational institution is contending that it has obtained the approval plan from the competent local authority on 24.07.2006, 14.12.2007 and 25.05.2009 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 16.09.2014 and 10.03.2015. It is stated by the learned counsel for the petitioner that the petitioner has already submitted its representation dated 24.04.2015. As referred to above, the impugned notices dated 16.09.2014 and 10.03.2015 were issued based on the communication issued by the first respondent. Hence, the second respondent is directed to get a clarification from the first

¹ 2013 WLR 925

² 2013 (2) CTC 180

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 petitioner's representation 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 building of the petitioner/educational institution, shall be maintained by both the parties.

5 This writ petition stands 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 600 002
- 2 The Deputy Director of Town and Country Planning
Coimbatore Region
Coimbatore - 18
- 3 The President
Ugayanur Village Panchayat
Ugayanur, Ugayanur Village
Tiruppur 641 665

+1cc to M/s.Muthumani Doraisamy, Advocate, S.R.No.24066
+1cc to the Government Pleader, S.R.No.24741

W.P. No.13516 of 2015

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