

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.13644 and 13645 of 2015 and M.P. Nos.1 and 2 of 2015

Pallavan Educational Trust
running Pallavan Polytechnic College
represented by its Chairman
B. Bose
23, I Street
Vedachalam Nagar
Kancheepuram 631 502

Petitioner in WP No.13644/2015

Ragineeshwari Educational and Charitable Trust
running Jei Mathaajee College of Engineering
represented by its Chairman
B. Bose
23, I Street
Vedachalam Nagar
Kancheepuram 631 502

Petitioner in WP
No.13645/2015

vs.

1 The Commissioner of Town and Country Planning
807 Anna Salai, Chennai 600 002

2 The Assistant Director of Town and Country Planning
Chengalpet Region, Chengalpet RR 1 & 2 in both the WPs

3 The Kancheepuram Panchayat Union
represented by its Commissioner
Kancheepuram, Kancheepuram District
R3 in WP No.13644/2015

3 The President
No.123, Injambakkam Village Panchayat
Wallajabad Panchayat Union
Kancheepuram District
R3 in WP No.13645/2015

Prayer in W.P. No.13644 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the

records of the second respondent relating to the proceedings in Na.Ka.No.1632/2011 Che.Div. dated 20.02.2015 and quash the same and consequently, forbear the respondents from in any manner interfering with the peaceful possession of the building of the petitioner Trust housing Pallavan Polytechnic College in Kolivakkam Village, Kancheepuram Taluk and District.

Prayer in W.P. No.13645 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the second respondent relating to the proceedings in Na.Ka.No.1632/2011 Se. Ma.3 dated 20.02.2015 and quash the same and consequently, forbear the respondents from in any manner interfering with the peaceful possession of the building of the petitioner Trust housing Jei Mathaajee College of Engineering, Siruvakkam Post, Vishakandikuppam, Kancheepuram - Arakkonam Road, Kancheepuram District - 631 552.

For petitioner Mr. P. Srinivas
in both the WPs

For respondents Mr. N. Sakthivel
in both the WPs Government Advocate

COMMON ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel for the parties, these writ petitions are taken up final disposal, at the admission stage itself.

2 These writ petitions are filed challenging the notices dated 20.02.2015 issued by the second respondent in Na.Ka.No.1632/2011 Che.Div. and Na.Ka.No.1632/2011 Se. Ma.3 respectively, stating that in spite of opportunity having been given, the petitioner institutions have not obtained the approved plan and therefore, the buildings in question will be locked and sealed.

3 The learned counsel appearing for the petitioners submits that the petitioner institutions are 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

¹ 2013 WLR 925

Apesh Construction Ltd. vs. The Corporation of Madurai ² 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 petitioners/educational institutions that they have obtained the approved plan from the competent local authority and the buildings were constructed as per the approved plan, it is open to the petitioners/educational institutions to submit their objections/representation qua the impugned notices dated 20.02.2015. It is stated by the learned counsel for the petitioners that the petitioners have already submitted representations dated 05.03.2015 and 23.03.2015 respectively.

5 In such view of the matter, the second respondent shall consider the petitioners' aforesaid representations dated 05.03.2015 and 23.03.2015 respectively 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 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.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

1 The Commissioner of Town and Country Planning
807 Anna Salai
Chennai 600 002

2 The Assistant Director of Town and Country Planning
Chengalpet Region
Chengalpet

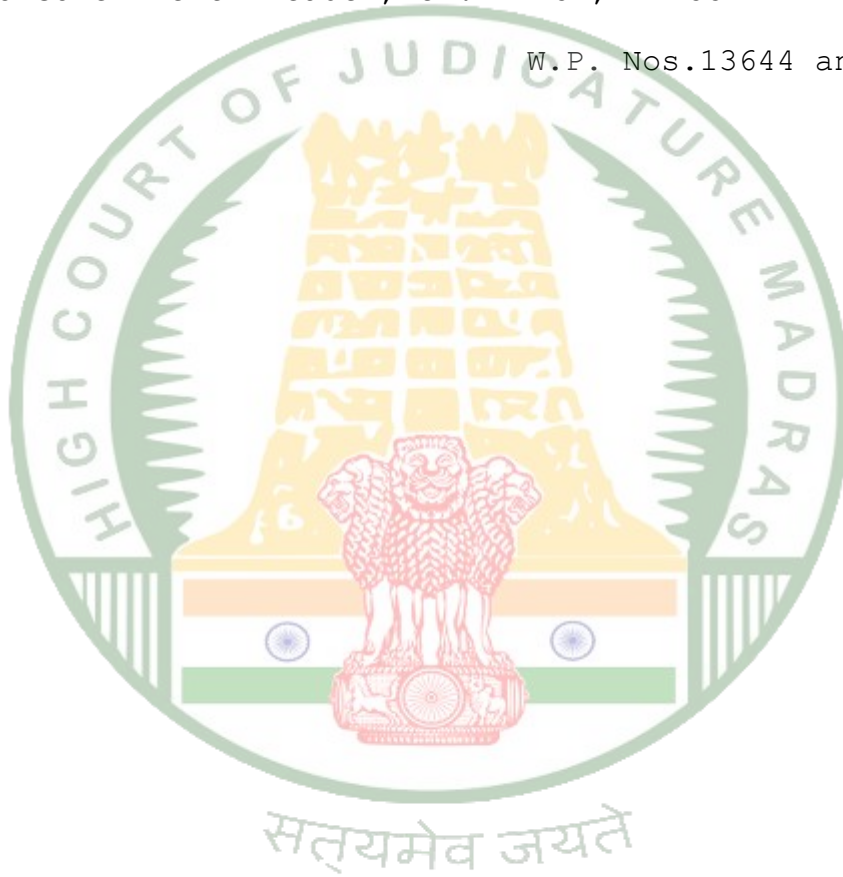
3 The Commissioner
The Kancheepuram Panchayat Union
Kancheepuram
Kancheepuram District

4 The President
No.123, Injambakkam Village Panchayat
Wallajabad Panchayat Union
Kancheepuram District

2 ccs to Mr.P. Srinivas, Advocate, sr. 24346
2 ccs to Government Pleader, Sr. 24734, 24733

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