

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.13836 to 13838 of 2015 and M.P. Nos.1 of 2015

CSM Arts and Science College
Erumanur Village
Vridhachalam
Cuddalore District
represented by its Chairman
S. Mahaveer Chand

Petitioner in WP No.13836 of 2015

C.S. Jain Teacher Training Institute
B.Ed. College
Chidambaram Road
Thethampet Village
Srimushnam & Post
Cuddalore District 608 703
represented by its Chairman
S. Mahaveer Chand

Petitioner in WP No.13837 of 2015

CSM College of Education
Erumanur Village
Vridhachalam, Cuddalore District
represented by its Chairman
S. Mahaveer Chand

Petitioner in WP No.13838 of 2015

vs.

1 The Director of Town and Country Planning
Directorate of Town and Country Planning
IV Floor, Chengalvarayan Building
(Opposite LIC)
807, Anna Salai
Chennai 600 002

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

RR 1 & 2 in both the WPs

3 The President
Erumanur Village Panchayat

Vridhachalam
Cuddalore District

R3 in WP Nos.13836 & 13838 of 2015

3 The President
Thethampet Village Panchayat
Srimushnam & Post
Cuddalore District 608 703

R3 in WP No.13837 of 2015

Prayer in WP No.13836 of 2015:

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 Roc. No.125/2015/VR dated 16.03.2015 and quash the same and consequently forbear the respondents from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the buildings erected by the petitioner college in respect of Survey No.349/3, 349/5 and 349/6, Erumanur Village, Vridhachalam, Cuddalore District.

Prayer in WP No.13837 of 2015:

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 Roc. No.125/2015/VR dated 16.03.2015 and quash the same and consequently forbear the respondents from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the buildings erected by the petitioner college in respect of Survey No.7/5, 7/6, 7/7 and 7/8 in Thethampet Village, Srimushnam and Post, Cuddalore District.

Prayer in WP No.13838 of 2015:

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 Roc. No.125/2015/VR dated 16.03.2015 and quash the same and consequently forbear the respondents from taking any action under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the buildings erected by the petitioner college in respect of Survey No.349/3, 349/5 and 349/6 in Erumanur Village, Vridhachalam, Cuddalore District.

For petitioner
in all the WPs

Mr. P.Venkatasubba Raju

For RR 1 & 2

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. With the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 and 2, these writ petitions are taken up final disposal, at the admission stage itself.

2 These writ petitions are filed challenging the notices dated 16.03.2015 issued by the second respondent in Roc. No.125/2015/VR, 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 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 another*¹ as well as the order of a learned Single Judge in *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 on 10.04.2007 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 16.03.2015. On receipt of the petitioners' 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 petitioners in their 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 buildings of the

1 2013 WLR 925

2 2013 (2) CTC 180

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

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Director of Town and Country Planning
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IV Floor, Chengalvarayan Building
(Opposite LIC)
807, Anna Salai
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- 2 The Assistant Director of Town and Country Planning
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- 3 The President
Erumanur Village Panchayat
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Cuddalore District
- 4 The President
Thethampet Village Panchayat
Srimushnam & Post
Cuddalore District 608 703

3 cc to Mr.K.Venkata Subba Raju ,Advocate, SR.No.24086

1 cc to Government Pleader,Sr.No24747, 24744

W.P. Nos.13836 to 13838 of 2015

rsy(co)
pmk.14.5.2015