

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. Nos.16428 & 16429 of 2015
and M.P. Nos.1 & 1 of 2015

Jamia Darussalam Arabic College ,
rep. By its Principal,
Dr. Sayeed Ahmed,
Oomerabad,
Vellore District
PIN. 635 808.

Petitioner
(In WP No.16428/2015)

Islamiah College (Autonomous),
rep. By its Secretary & Correspondent,
Mr.L.M. Muneer Ahmed,
New Town, Vaniyambadi,
Vellore District, PIN 635 752.

Petitioner
(In WP No.16429/2015)

vs.

1 The Commissioner
Directorate of Town and
Country Planning
Anna Salai Chennai-2.

2 The Deputy Director
Office of The Deputy Director of Town and
Country Planning Vellore Region,
Vellore and District.

Respondents 1 & 2
(In WP Nos.16428
& 16429/2015)

3 The Commissioner
Pernampet Panchayat Union Pernampet
Vellore District.

Respondent No.3
(In WP No.16428/2015)

3 The Commissioner
Vaniyambadi Municipality,
Vellore District.

Respondent No.3
(In WP No.16429/2015)

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records in respect of the impugned order issued by the second respondent vide his proceedings in Na.Ka.No.625/2011/Ve Ma 3 dated 15.02.2015 & 16.02.2015 and quash the same.

For petitioner/s	Mr. R. Suresh Kumar
For RR 1 & 2	Mr. P.S.Sivashanmugasundaram, Spl. Government Pleader

COMMON ORDER

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

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

2 These writ petitions are filed challenging the notice dated 09.02.2015 and 16.02.2015 issued by the second respondent in Na.Ka.No.625/2011/Ve Ma 3, stating that in spite of opportunity having been given, the petitioners/ 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 petitioners/ 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 1990. 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 18.11.1981 and 24.08.1962 and the buildings were constructed as per the approved plan, it is open to the petitioners/educational institutions to submit their objection/representation qua the impugned notices dated 09.02.2015 and 16.02.2015. It is stated by the learned counsel for the petitioners that the petitioners have already submitted individual representation/reply dated 14.05.2015.

¹ 2013 WLR 925

² 2013 (2) CTC 180

5 In such view of the matter, the second respondent shall consider the petitioners' aforesaid individual representation dated 14.05.2015 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 individual 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 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Directorate of Town and Country Planning
Anna Salai Chennai-2.
 - 2 The Deputy Director
Office of The Deputy Director of Town and
Country Planning Vellore Region,
Vellore and District.
 - 3 The Commissioner
Pernampet Panchayat Union Pernampet
Vellore District.
 - 4 The Commissioner
Vaniyambadi Municipality,
Vellore District.
- + 2 ccs to Mr.R.Suresh Kumar, Advocate Sr.27943, 27944

W.P. Nos. 16428 & 16429 of 2015

SAI (CO)
Eu 19.06.15