

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.23460 of 2015 and M.P. No.1 of 2015

Grace College of Education
represented by its Correspondent
Mr. S. Gnanamani
Visamangalam Village
Nedungunam Post, Vandavasi Taluk
Tiruvannamalai District 606 807

Petitioner

vs.

- 1 The Commissioner
Directorate of Town and Country Planning
Anna Salai, Chennai 600 002
- 2 The Deputy Director
O/o the Deputy Director of Town and Country Planning
Vellore Region
Vellore and District
- 3 The President
Visamangalam Village
Nedungunam Post
Vandavasi Taluk
Tiruvannamalai District - 606 807

Respondents

Writ Petition 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 Ma3 dated 13.02.2015 and quash the same.

For petitioner Mr. R. Suresh Kumar

For RR 1 & 2 Mr. N. Sakthivel, Government Advocate

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. With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed challenging the notice dated 13.02.2015 issued by the second respondent in Na.Ka.No.625/2011/Ve Ma3, stating that in spite of opportunity having been given, the petitioner institution has not obtained the approved plan and therefore, the building in question will be locked and sealed.

3 The learned counsel appearing 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 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 petitioner/educational institution that it has obtained the approved plan from the competent local authority and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representation qua the impugned notice dated 13.02.2015. It is stated by the learned counsel for the petitioner that the petitioner has already submitted a representation dated 14.05.2015.

5 In such view of the matter, the second respondent shall consider the petitioner's aforesaid representation dated 14.05.2015 and pass appropriate orders in accordance with law and on merits, within a period of four weeks. Needless to state that each and every averment made by the petitioner in its representation is to be adverted to and a reasoned order is required to be passed. Further, it is made clear that while considering the petitioner's representation, the authorities are at liberty to examine as to whether the said local authority had competence to grant approval prior to 2010 as well. 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.

1 2013 WLR 925

2 2013 (2) CTC 180

6 This writ petition is disposed of with the above direction.
No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

cad
To

- 1 The Commissioner
Directorate of Town and Country Planning
Anna Salai, Chennai 600 002
 - 2 The Deputy Director
O/o the Deputy Director of Town and Country Planning
Vellore Region
Vellore and District
 - 3 The President
Visamangalam Village
Nedungunam Post
Vandavasi Taluk
Tiruvannamalai District - 606 807.
- 1 cc to Government Pleader.Sr.No.39464
1 cc to Mr. R. Suresh Kumar, Advocate Sr.No.39725

W.P. No.23460 of 2015

kgk(co)
pmk.20.8.2015

WEB COPY