

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM:

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

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.27622 of 2014

C.V.S.Freedom Vidhyalaya
Nursery & Primary School
rep. By its Correspondent
Sudandiramaman
Main Road, Payari
Valangaiman Taluk
Thiruvarur District

... Petitioner

vs.

1. The District Collector
O/o District Collector
Thiruvarur, Thiruvarur District.
2. The Deputy Director of
Town & Country Planning
No.33, 4th Street
Rajappa Nagar
Medical College Road, Thanjavur 613 007.
3. The President
Therkku Pattam Panchayat
Valangaiman Taluk
Thiruvarur District.
4. C.V.Shanmugam
5. Mrs.S.Shantha
6. K. Saravanan
(R-6 impleaded as per order dated
30/10/2014 by NPVJ in M.P.Nos.1 and 3 of 2014
in W.Ps.23548 and 27622 of 2014)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to give no objection for the development and conversion of the land admeasuring 1.37 hectares comprised in Survey No.320/1, 320/2, 320/3, 321/5, 321/6 and for using the same for running the School in the name of C.V.S.Freedom Vidhyalaya Nursery & Primary School, by considering the representation dated 19/6/2014.

For petitioner : Mr. R. Krishnamurthy
Senior Counsel
for M/s.G.Rajan,
R.Rajaram and R.Dillikumar

For RR 1 to 3 : Mr. P.S.Sivashanmugasundaram
Special Government Pleader

For RR 4 & 5 : Mr.H.Mohammed Ismail

For R6 : M/s.U.Parvathavarthini
for Mr.K.Sudalaikannu

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel appearing on either side, this writ petition is taken up final disposal.

2. This writ petition is filed seeking a direction to the first respondent to give no objection for the development and conversion of the land admeasuring 1.37 hectares comprised in Survey Nos.320/1, 320/2, 320/3, 321/5, 321/6 and for using the same for running the school in the name of C.V.S.Freedom Vidhyalaya Nursery & Primary School, by considering the petitioner's representation dated 19/6/2014.

3. The facts, as projected by the petitioner are that, the petitioner is an educational institution. It has constructed the building in question after getting No Objection Certificate from the Tahsildar, Valangaiman vide proceedings in M.M. 1278/2013-A1 dated 21st March 2013, besides getting planning permit from the third respondent-Panchayat on 21st January 2014. Yet, it has been issued with a notice dated 12th March 2014 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1951

stating that it has not obtained the approved plan from the competent authority and therefore, the building in question will be locked and sealed. Hence, this writ petition for the aforestated relief.

4. It is stated by the learned counsel for the petitioner that the petitioner has already submitted a representation dated 19th June 2014 to the first respondent seeking No Objection Certificate for the development and conversion of the land for the aforestated purpose. The learned counsel further submits that it would suffice if the said representation is directed to be considered and disposed of by the first respondent within a timeframe.

5. In such view of the matter, without going into the merits of the case, the first respondent shall consider the petitioner's aforestated representation 19th June 2014 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 aforestated 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 authority is at liberty to examine as to whether the local authority had competence to grant approval. Till fresh orders are passed by the first 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.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

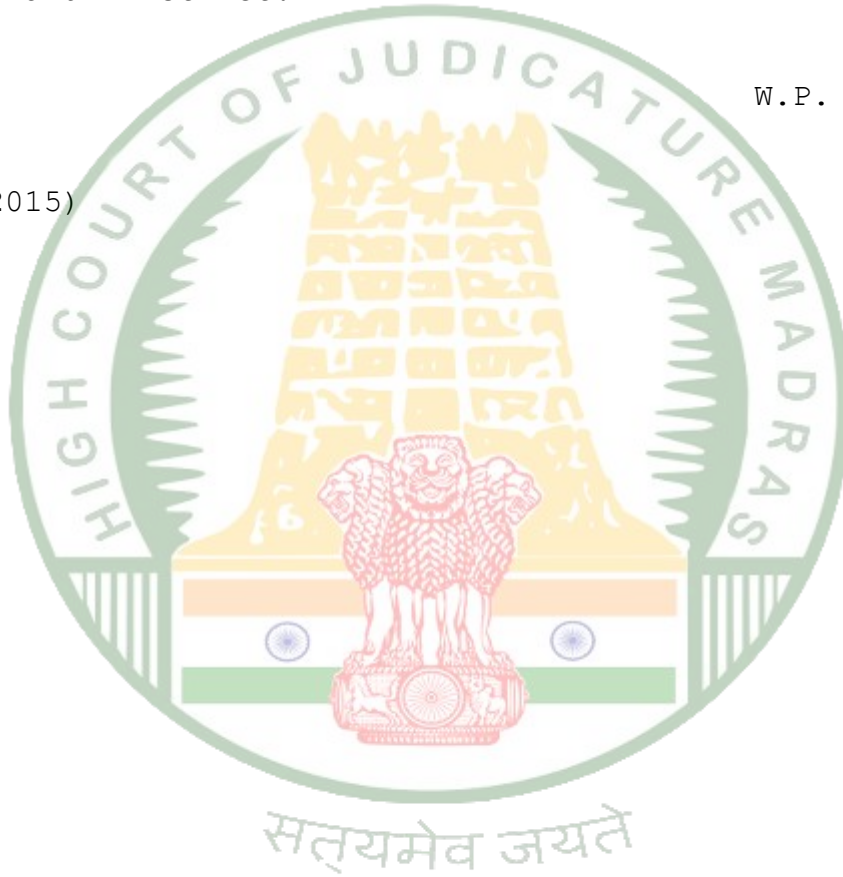
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3. The President
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Valangaiman Taluk
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RV(CO)
CA(29/09/2015)

W.P. No.27622 of 2014



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