

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM:

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

W.P. No.26492 of 2015 and M.P. No.1 of 2015

Karunya University
represented by its Director (Trust Affairs)
Karunya Nagar
Coimbatore 641 114

Petitioner

vs.

- 1 The Director of Town & Country Planning
807 Anna Salai
Chennai - 600 002
- 2 The Deputy Director of Town and Country Planning
Coimbatore Region
Corporation Commercial Complex
Dr. Nanjappa Road
Coimbatore 641 018

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandmaus, calling for the records of the second respondent ending with Roc. No.3129/2012/CR4 dated 20.08.2015 and quash the same and forbear the respondents from in any manner implementing the impugned locking and sealing order.

For petitioner Mr. K. Doraisamy, Sr. Counsel
M/s. Kandhan Doraisamy

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. With the consent of the learned Senior Counsel appearing for the petitioner university and the learned Special Government Pleader appearing for the first respondent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed assailing the second respondent's order dated 20th August 2015, stating that in spite of opportunity having been given, the petitioner university has not submitted its approved plan and therefore, the buildings in question will be locked and sealed.

3 The learned counsel for the petitioner university submits that the petitioner university 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 relied 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* and an unreported judgment dated 15.06.2012 passed in W.P. No.11031 of 2011, in support of his contentions.

4 From a perusal of the materials placed before us, it is seen that the second respondent, vide order dated 6th April 2015 passed final notice under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") directing sealing of buildings, assailing which the petitioner university has preferred a revision petition under Section 80 of the Act before the Commissioner of Town and Country Planning, which was dismissed by order dated --. 07.2015. Seeking review of the said order, the petitioner university has preferred a review application under Section 81 of the Act before the first respondent, along with an application under Section 81(4) of the Act, seeking stay of the order dated 6th April 2015 passed by the second respondent. Seemingly, pending the review application, the impugned order dated 20th August 2015 has been passed by the second respondent.

5 Be that as it may, the learned Special Government Pleader appearing for the first respondent submits that the review application filed by the petitioner university will be disposed of by the first respondent within the prescribed statutory period and the stay application will be decided within a period of three weeks.

6 In view of the above submission made by the learned Special Government Pleader, the first respondent is directed to consider and pass orders on the petitioner's review application within the prescribed statutory period on its own merits and in accordance with law. It is further directed that the first respondent shall consider and pass orders on the petitioner's stay petition within a period of three weeks. For a period of three weeks from today, i.e., 25th August 2015, status quo as obtained today, in respect of the buildings of the petitioner university, shall be maintained by both the parties.

1 2013 WLR 925

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

cad

Sd/-
Assistant Registrar

True copy

Sub Assistant Registrar

To

- 1 The Director of Town & Country Planning
807 Anna Salai
Chennai - 600 002
 - 2 The Deputy Director of Town and Country Planning
Coimbatore Region
Corporation Commercial Complex
Dr. Nanjappa Road
Coimbatore 641 018
- + 1 cc to M/s.Muthumani Doraisami, Advocate SR 44968
+ 1 cc to Govt.Pleader, High Court, Madras SR 45432

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prk27/8

W.P. No.26492 of 2015

सत्यमेव जयते

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