

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.28482 of 2015

Vivegaa School

... Petitioner

- Vs -

1. The Director of school Education
DPI Complex
College Road,
Chennai-60006.

2. The District Chief Education Officer
Tirupur
Tirupur District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records from the 2nd respondent, relating to the impugned condition No.1 in the order passed by the 2nd respondent in No.O.M.No.1575/A4/2015, dated 10.03.2015 in so far as insisting the petitioner to grant approval from local planning authority and quash the same and consequently direct the respondents to process the application of the petitioner for grant of NOC in accordance with law without insisting the securing planning permission from Local Planning authority.

For Petitioner : Mr.R.Vishnu

For Respondents : Mr.Dig Vijay Pandian
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

2. The application made by the petitioner-school seeking No Objection Certificate was rejected by the order impugned in which one of the conditions is that the building plan of the school is required to have the approval from the local planning authority and the said condition is under challenge in this Writ Petition.

3. The learned counsel for the petitioner has submitted that the decision of the learned single Judge of this Court was modified by the Hon'ble Division Bench in W.P.No.(MD)No.911 of 2015 on 18.08.2015 and the said ratio is may be applicable to the case of the petitioner in so far as the Condition No.1 in the order dated 10.03.2015 is concerned.

4. The Hon'ble Division Bench in the Judgment stated supra was pleased to hold as follows:

"As has been pointed by Mr.B.Pugalendhi, learned Special Government Pleader appearing for the appellant, before grant of recognition, it is incumbent on the educational authorities to indicate what are all the requirements the law requires and the directions of the Hon'ble Supreme Court in Avinash Mehrotra, cited supra, have been complied with by the schools, while seeking recognition and what are the requirements/directions yet to be complied with by the schools. We expect the educational authorities that before granting recognition, they should be very clear whether all the requirements of law/defects pointed out have been complied with by the schools who seek approval and thereupon take a decision, in either way. We, therefore, modify the order of the learned single Judge to the effect that the application of the respondent school for recognition should be considered in the parameters of the various guidelines issued by the Government and in the light of the decision of the Hon'ble Supreme Court in Avinash Mehrotra Vs. Union of India, reported in (2007) 6 SCC 398 and after getting clarification from the concerned Panchayat or from the Town and Country planning Authorities, whether building plan approval has been granted to the respondent school, as required under law. Therefore, the respondent school be informed about the status, so that they can workout their remedy. For compliance, the appellant is directed to clarify all these issues to the respondent school, by a letter, within two weeks from the date of receipt of a copy of this order and the respondent school shall comply the same within four weeks thereafter. On receipt of the reply, the appellant shall consider the same and pass appropriate orders, expeditiously. "

5. Thus, this Writ Petition is disposed of by directing the second respondent to undertake the said exercise as indicated above and thereafter send the communication to the petitioner. The said exercise will have to be done within a period of six weeks from the date of receipt of a copy of this order. No costs.

arr

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of School Education
DPI Complex
College Road,
Chennai-60006.

2. The District Chief Education Officer
Tirupur
Tirupur District

+1 C.C. To MR.K.RAMU, Advocate in SR.NO.52970

+1 C.C. TO Government Pleader in SR.NO.53064

W.P.No.28482 of 2015

SVI (CO)
sd : 08/10/2015

सत्यमेव जयते

WEB COPY