

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.35268 of 2015 and M.P. No.1 of 2015

Thirumalai Polytechnic College
represented by its Chairman
C. Muthukrishnan
Kilambi
Kancheepuram Taluk
Kancheepuram District

Petitioner

Vs.

- 1 The Director
O/o the Director of Town and Country Planning
Anna Salai
Chennai 600 002
- 2 The Deputy Director
O/o the Deputy Director of Town and Country planning
Chengalpattu Region
Chengalpattu
- 3 The President
Kilambi Panchayat
Kancheepuram Taluk
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of 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.2820/2015/SaMa.3 dated 23.09.2015 and quash the same.

For petitioner Mr. E. Vijay Anand

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2.

2 Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner, a polytechnic college, has filed this writ petition seeking to quash the notice dated 23 September 2015 issued by the first respondent, whereby and whereunder, the petitioner college has been called upon to apply with the check list enclosed therein to the said Department, as, permission from the village panchayat alone is not sufficient for construction of a building.

3 The petitioner has approached this Court earlier in W.P. No.17829 of 2015, wherein, notice dated 24 October 2013, calling upon the petitioner to submit information, was called in question. A Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, by order dated 23 June 2015, disposed of the said writ petition in the following terms:

"5 In such view of the matter, the second respondent shall consider the petitioner's aforesaid representation dated 11.05.2015 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 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 also. 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.

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

4 It appears that thereafter, the first respondent has issued the instant impugned notice, calling upon the petitioner to apply to the said Department, with the check list enclosed therein, as, a building constructed with the permission obtained

from the village panchayat alone will be considered only as unauthorised. The petitioner has responded to the said notice on 12 October 2015, pointing out the approval granted by the Kilambi Panchayat, the competent authority, according to the petitioner.

5 We have already made it clear in the earlier round of litigation that no final order shall be passed without advertng to the objections raised by the petitioner. In such view of the matter, as no final order has been passed, we are not inclined to make any observation reiterating that the authorities are required to consider all the objections, including the jurisdictional aspect, raised by the petitioner, if any and pass a detailed and reasoned order.

The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR(CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

To

- 1 The Director
O/o the Director of Town and Country Planning
Anna Salai
Chennai 600 002
- 2 The Deputy Director
O/o the Deputy Director of Town and Country planning
Chengalpattu Region, Chengalpattu
- 3 The President
Kilambi Panchayat
Kancheepuram Taluk
Kancheepuram District

+1 CC to MR.E. Vijay Anand Advocate. SR.NO. 59962

+1 CC to Govt.Pleader. SR.NO. 60286

W.P. No.35268 of 2015

CO-SVI

JD 20/11/2015



सत्यमेव जयते

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