

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.9648 OF 2015
and M.P.No.1 OF 2015

Sembodai Rukmani Varadharajan Engineering College,
Sembodai Post,
Vedaraniyam Tk, Nagapattinam Dt.-614 820
rep. by its Chairman
R.Varadharajan ... Petitioner

Vs

1. Director of Town and Country Planning,
Directorate of Town and Country Planning,
4th Floor, Chengalvarayan Building (Opposite to LIC),
807, Anna Salai,
Chennai 600 002.
2. The Deputy Director of Town and Country Planning,
Tanjore Region,
No.33, Rajappa Nagar,
Medical College Road,
Tanjore - 613 001.
3. The President,
Sembodai Village Panchayat,
Nagapattinam District.

.. Respondents

* * *

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the notice in Na.Ka.No.546/2012, dated 16.03.2015, issued by the second respondent and quash the same and consequently forbear the first, second and third respondents from taking any under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 with respect to the buildings erected by the petitioner college in respect of Survey No.84/1 and 5, Door No.1/283 Sembodai Village, Vedaranyam Taluk, Nagapattinam District.

* * *

For Petitioner : Mr.T.Sellapandian

For Respondents: Mr.R.Vijayakumar,
Addl. Govt. Pleader for RR 1 and 2

O R D E R

Heard Mr.T.Sellapandian, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the first and second respondents and with the consent of both sides, the writ petition itself is taken up for disposal at the admission stage.

2. The issue raised by the petitioner is squarely covered by a decision of the Division Bench of this Court in W.P.No.31119 of 2014 dated 27.11.2014 (Gnanamani College of Education V. Director of Town and Country Planning and others), wherein, the Division Bench held as follows :

"5. Since the petitioner/educational institution is contending that it had obtained the approved plan from the competent authority and the building was constructed as per the approved plan before amendment to Section 47-A, it is open to the petitioner/educational institution to submit their objection/representation about the impugned notice dated 08.08.2014. The impugned notice was issued based on the communication issued by the Commissioner/Director of Town and Country Planning, Chennai-2. The Deputy Director of Town and Country Planning is directed to get a clarification from the Commissioner/Director of the Town and Country Planning, Chennai - 600 002, who is bound to clarify, to take further action in the matter, as the action initiated is based on the D.O.Roc.No.9263/2012-UAC issued by the Commissioner dated 21.07.2014. After receiving the said clarification, the Deputy Director of Town and Country Planning, Salem Region, is directed to pass a speaking order in accordance with law, within a period of four weeks from the date of receipt of the said clarification. The petitioner/educational institution is permitted to submit its objection/representation, within a period of one week from the date of receipt of a copy of this order. Till fresh orders are passed by the Deputy Director of the Salem region as stated supra, status-quo as on today, in respect of the building of the petitioner/educational institution shall be maintained by both the parties.

6. The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed."

3. In the light of the above, the writ petition is disposed of in terms of the order passed in W.P.No.31119 of 2014 dated 27.11.2014. No costs. The connected miscellaneous petition is closed.

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
4th Floor, Chengalvarayan Building (Opposite to LIC),
807, Anna Salai,
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2. The Deputy Director of Town and Country Planning,
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Tanjore - 613 001.
3. The President,
Sembodai Village Panchayat,
Nagapattinam District.

+ 1 cc to the Government Pleader SR 18349

+ 1 cc to Mr.V.Vedachalam, Advocate SR 18045

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ORDER IN
W.P.NO.9648 OF 2015