

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM:

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

W.P. No.9922 of 2015 and M.P. No.1 of 2015

S.K. College of Arts and Science
represented by G. Sadasivam
Chairman and Correspondent
Melavasal
Mannargudi
Thiruvarur District

Petitioner

vs.

- 1 The Commissioner of Town and Country Planning
Directorate of Town and Country Planning
807 Anna Salai
Chennai 600 002
- 2 The Deputy Director of Town & Country Planning
Tanjore Region
No.33, Rajappa Nagar
Medical College Road
Tanjore 613 001
- 3 The President
Melavasal Village Panchayat
Mannargudi, Thiruvarur District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the notice in Na.Ka.No.546 of 2012 dated 24.02.2015 issued by the second respondent and quash the same.

For petitioner Mr. S. Rajendrakumar
for M/s. Norton and Grant

For respondents Mr. N. Sakthivel, Govt. Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed challenging the notice dated 24.02.2015 issued by the second respondent in Na.Ka.No.546 of 2012, stating that in spite of opportunity having been given, the petitioner institution has not obtained the approved plan and therefore, the building in question will be locked and sealed.

2 The learned counsel for the petitioner submits that the petitioner institution 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 another¹ 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.

3 In view of the contention of the petitioner/educational institution that it has obtained the approved plan from the competent authority and the buildings were constructed as per the approved plan, it is open to the petitioner/educational institution to submit its objections/representation about the impugned notice dated 24.02.2015. On receipt of the petitioner's objections/representation, the second respondent shall consider the same and pass appropriate orders in accordance with law and on merits. 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.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

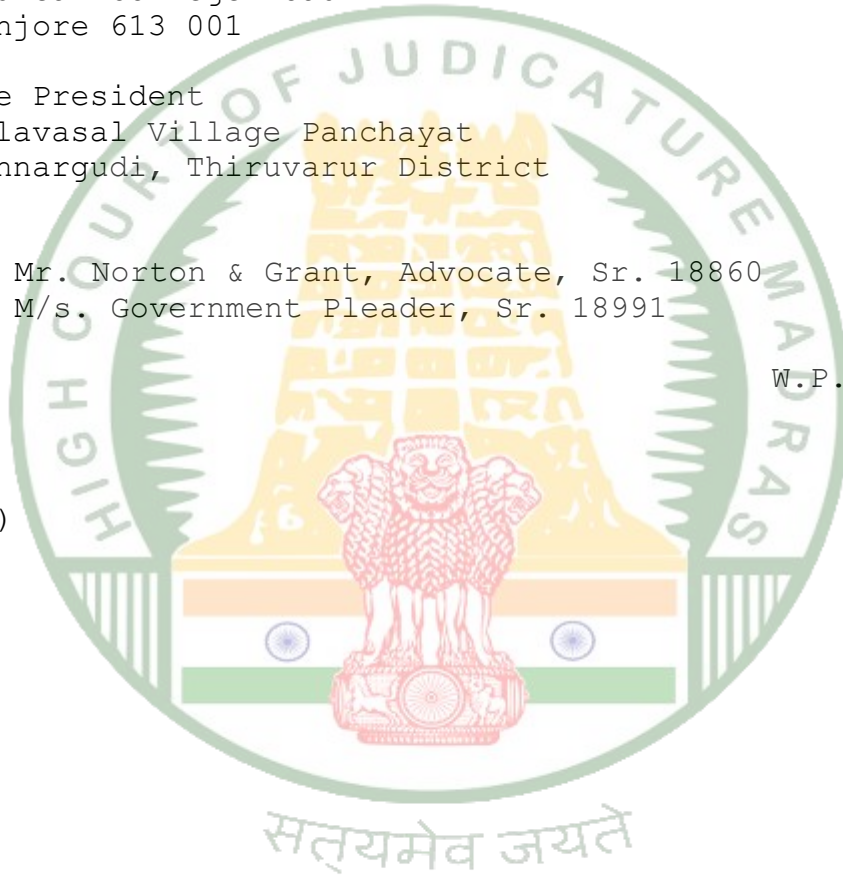
1 2013 WLR 925

To

- 1 The Commissioner of Town and Country Planning
Directorate of Town and Country Planning
807 Anna Salai
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Tanjore Region
No.33, Rajappa Nagar
Medical College Road
Tanjore 613 001
 - 3 The President
Melavasal Village Panchayat
Mannargudi, Thiruvarur District
- 1 cc to Mr. Norton & Grant, Advocate, Sr. 18860
1 cc to M/s. Government Pleader, Sr. 18991

W.P. No.9922 of 2015

CNR (CO)
kk 17/4



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