



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2015

CORAM :

**THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN**

and

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

Writ Appeal(MD) No.1301 of 2015

and

M.P(MD)No.1 of 2015

1.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai 600 006.

2.The Inspector of Matriculation Schools,  
Thirunelveli Region,  
Thirunelveli District.

.. Appellant

Vs.

Oxford Matriculation School,  
Azhagiya Mandapam,  
Mulagumoodu Post,  
Kanyakumari District  
Rep by its Correspondent,  
M.Syed Ali

...Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 16.07.2015 made in W.P.(MD)No.12270 of 2015.

Prayer in WP(MD). 12270/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus call for the records relating to the impugned proceedings issued by the 2nd respondent in O.Mu.No.145/A1/2015 dated 14.7.2015 and to quash the same and consequently directing the respondents to grant permission to run the petitioner school with LKG to VIII Standard without insisting for plan approval from the department of Town and Country Planning within the time frame to be fixed by this Hon`ble Court.

For Appellants

: Mr.V.R.Shanmuganathan,  
Special Government Pleader.

#### JUDGMENT

(Judgment of the Court was delivered by **V.RAMASUBRAMANIAN, J**)

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This Writ Appeal is filed by the Director of Matriculation Schools, challenging the order passed by the learned Judge, directing the



appellant to grant recognition to the respondent school, without insisting on approval of building plan from the Directorate of Town and Country Planning.

2. Heard Mr. VR. Shanmuganathan, learned Special Government Pleader appearing for the appellants.

3. The respondent herein obtained approval for the construction of a school building from the Mulagumoodu Town Panchayat and along with approved building plan, structural stability certificate issued by the competent authority, 'No Objection Certificate' issued by the Tamil Nadu Fire and Rescue Department as well as the sanitary Certificate issued by the Municipality, the respondent applied for recognition to start a School from L.K.G to VIII standard. The second appellant herein returned the application pointing out certain defects. The respondent re-submitted the application claiming that the defects are rectified; still the recommendation was not granted on the ground that the building plan ought to have been approved by the Director of Town and Country Planning.

4. Therefore, the respondent came up with a writ petition in W.P (MD) No. 12270 of 2015. This writ petition was allowed by the learned Judge, forcing the appellant to come up with the above writ appeal.

5. The only controversy involved is as to whether the respondent ought to have obtained building plan approval from the Director of Town and Country Plan or not?

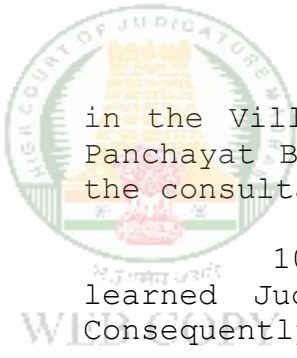
6. In the State of Tamil Nadu, the Village Panchayats are governed by the Tamil Nadu Panchayats Act, 1994. In exercise of Rule making power conferred by the Act, the Government had enacted the Tamil Nadu Panchayat Building Rules. The Panchayat Building Rules stipulate that the planning permission can be approved by the Panchayat, after consultation with the Director of Town and Country Planning.

7. But, insofar as the Municipalities and Town Panchayats are concerned, they are governed by the Tamil Nadu District Municipalities Act, 1920. In the Rules framed thereunder, there is no provision similar to one contained in the Tamil Nadu Panchayat Building Rules. Therefore, the demand made by the appellants, is not in accordance with law.

8. However, Mr. V. R. Shanmuganathan, learned Special Government Pleader, appearing for the appellants brought to our notice a Government Order G.O. Ms. No. 134, School Education Department, dated 18.08.2015. The said Government Order was passed on the basis of the recommendations made by Thiru. Justice Sampath Commission. But the recommendation made by the Commission was to the effect that the institutions seeking recommendation for running the school should have constructed school buildings only after obtaining building plan approval from the appropriate authority. Since, there was a dispute with regard to the building plans approved by the Panchayat, the Government Order clarifies that the existing schools could be granted temporary recognition up to 31.05.2016 so that those schools obtain approval for building plan from the Director of Town and Country Planning.

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9. The said Government Order would apply to the schools located



in the Village Panchayats. This is due to the fact that the Tamil Nadu Panchayat Building Rules themselves stipulate a condition with regard to the consultation with the Director of Town and Country Planning.

10. Therefore, we find nothing wrong in the order passed by the learned Judge. Hence, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-  
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

sms  
To

1. The Director of Matriculation Schools,  
DPI Campus, College Road, Chennai 600 006.
2. The Inspector of Matriculation Schools, Thirunelveli Region,  
Thirunelveli District.
3. The Correspondent, M.Syed Ali, Oxford Matriculation School,  
Azhagiya Mandapam, Mulagumoodu Post, Kanyakumari District.

+1CC to Special Government Pleader SR.No.71074

CSL/SKS/RR/19.1.16-3p-5c

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