

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. NOS. 40997 & 40998 OF 2015
AND
M.P. NOS. 1 OF 2015 (2 NOS.)

Kennedy College of Education
Rep. by its Chairman
Bangalore Road
S.N.Palayam Village
Agaramacheri Post
Vaniambadi Taluk
Vellore District ...Petitioner in WP 40997/15

J.M.S College of Education
Rep by its Chairman
Kavaloor Village Naickanoor Post
Alangayam (Via) Vaniyambadi
Taluk Vellore District .. Petitioner in WP 40998/15

- Vs -

1. The Director of Town and
Country Planning Anna Salai Chennai-2

2. The Deputy Director of Town
and Country Planning Vellore Region
Sathuvacheri Vellore-632 009 ..RR-1&2 in both the petitions

3. The President
Agaramcheri Village Panchayat
Vaniyambadi Taluk Vellore District .. R-3 in WP.40997/15

4. The President Naickkanoor Village
Panchayat, Alangayam Panchayat Union,
Vaniyambadi Taluk,
Vellore Dt. ...Respondent-3 in WP.40998/15

W.P. No.40997 of 2015 filed under Art. 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus calling for the records pertaining to the orders passed by the second respondent in File No: 1086/2015 / VR3 dated .12.2015 (signed on 01/12/2015) and quash the same and direct the respondents 1 & 2 to consider the regularisation of the petitioner buildings in terms of section 113-C of the Tamilnadu Town and Country Planning Act 1971.

W.P. No.40998 of 2015 filed under Art. 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus calling for the records pertaining to the orders passed by the second respondent in File No: 1325/2015 / VR3 dated .12.2015 (signed on 01/12/2015) and quash the same and direct the respondents 1 & 2 to consider the regularisation of the petitioner buildings in terms of section 113-C of the Tamilnadu Town and Country Planning Act 1971.

For Petitioners : Mr. S.Kamadevan
For Respondents 1&2 : Mr.P.S.Sivashanmugasundaram,
Spl.G.P.

ORDER
(DELIVERED BY HULUVADI G.RAMESH, J.)

It appears that in connection with the issuance of a notice by the 2nd respondent seeking to show cause as per the provisions of Section 47-A of the Town & Country Planning Act, 1947 within 30 days, the petitioner is before this Court.

2. It is the case of the petitioner college that it was built prior to 1.7.07 after obtaining permission under Rule 25 of the Panchayat Building Rules, 1997. Since the building put up before 1.7.07, it is the contention of the learned counsel for the petitioner that Section 47-A of the Act does not apply to the case of the petitioner as the rule has been amended only in the year 2010. Therefore, the show cause notice issued by the Deputy Director insisting for compliance under Section 47-A of the Act cannot be sustained.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. It is not in dispute that the petitioner college was built prior to 1.7.07 and, therefore, insistence of compliance with the provisions of Section 47-A of the Town & Country Planning Act does not arise, as the amendment has been made only in the year 2010. In the above background, it is for the petitioner only to comply with the requirement by submitting the documents with all annexures as contemplated under Rule 25 of the Panchayat Building Rules, 1997.

5. In the above circumstances, the petitioner is directed to submit the documents with all annexures as contemplated under Rule 25 of the Panchayat Building Rules, 1997 to the 2nd respondent, who shall not insist on the compliance of Section 47-A of the Act and the Deputy Director of Town Planning, viz., the 2nd respondent herein, on receipt of the documents, after affording an opportunity of hearing to the petitioner, consider the same and pass appropriate orders in accordance with law.

6. With the above observation and direction, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Director of Town and
Country Planning Anna Salai
Chennai-2
2. The Deputy Director of Town
and Country Planning Vellore Region
Sathuvacheri Vellore-632 009
3. The President
Agaramcheri Village Panchayat
Vaniyambadi
Taluk Vellore District
4. The President Naickkanoor Village Panchayat
Alangayam Panchayat Union
Vaniyambadi Taluk, Vellore District.

+ 1cc to Mr.S. Kamadevan, Advocate Sr.30291
+ 1 cc to Government Pleader Sr.30946, 30947

सत्यमेव जयते

WP.40997 & 40998 of 2015

RSY(CO)

EU 28.6.16

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