



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.23002 of 2016

and

W.M.P (MD) No.16480 of 2016

WEB COPY

Sathiya Subramanian Educational & Medical Charitable Trust,
No.57-B, Sethu Road, Adiramapattinam,
Pattukkottai Taluk, Thanjavur District
rep. by its Managing Trustee.

: Petitioner

Vs.

1.The Director of Town & Country Planning,
No.807, Anna Salai, Chennai.

2.The Deputy Director of Town & Country Planning,
Thanjavur Region,
No.33, Rajappa Nagar,
Thanjavur 613 001,
Thanjavur District.

3.The District Collector,
Thanjavur District.

4.The President,
Pudukkottai Ullur Village Panchayat,
Pattukkottai Union,
Pattukkottai Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Na.Ka.No.1156/2013/BA2, dated 25.10.2016 and consequential impugned order of the second respondent in Na.Ka.No.1322/2012 Thama2 dated 14.11.2016, quash the same and consequently direct the third respondent herein to consider and pass orders on the representations of the petitioner dated 15.12.2012 and 21.02.2013.

For Petitioner

: Mr.S.Srinivasa Raghavan

For Respondents 1 to 3

: Mr.M.Murugan, Government
Advocate.

**ORDER**

This writ petition has been filed for issuance of a Writ of Certiorari Mandamus praying to quash the impugned order of the first respondent dated 25.10.2016 and the consequential impugned order of the second respondent dated 14.11.2016 and to direct the third respondent herein to consider and pass orders on the representations of the petitioner dated 15.12.2012 and 21.02.2013.

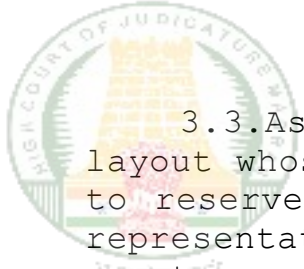
2. Heard the learned counsel appearing for the petitioner and Mr. M. Murugan, learned Government Advocate, who took notice for the respondents 1 to 3 and Mr. R. Velmurugan, learned Government Advocate, who took notice for the fourth respondents. By consent, the writ petition itself is taken up for final disposal.

3.0. The brief facts leading to the filing of this writ petition are as follows:

The petitioner trust is an educational and medical charitable trust. Its object is to impart good and quality education and charity of medical assistance to the public.

3.1. The trust has established a school in the name of Brilliant CBSE School in the year 2013 at Adiramapattinam, Pattukkottai Taluk, Thanjavur District with due approval and recognition from the Educational and Government Authorities. The school building is situated in the property of the petitioner trust to an extent of 2.01 acres, which consists of two blocks. The fourth respondent issued a No Objection Certificate on 07.09.2012 for construction of school building in the above site. The petitioner had applied for conversion of nanja land for the construction of the school building and the Tahsildar concerned also gave No Objection Certificate on the same day of conversion. Thereafter, the petitioner applied for building plan approval, which was also approved by the fourth respondent village panchayat, by the resolution, dated 17.10.2012.

3.2. The petitioner had applied to the Secretary, Urban Development Department, Convener Empowered Committee, Chennai, through the first respondent, seeking exemption for open space reservation. But, the first respondent, by the communication, dated 01.03.2013, directed the second respondent to collect the required documents from the petitioner and to send the guideline value for Open Space Reservation area to make payment in lieu of earmarking of Open Space Reservation. The second respondent, by the communications, dated 26.03.2013 and 19.03.2015 directed the petitioner to produce requisite documents including Land Conversion Certificate.



3.3.As per the Rules relating to Open Space Reservation, layout whose total extent is upto 3,000 square metres, is exempted to reserve any open space. Therefore, the petitioner submitted representations dated 15.12.2012 and 21.02.2013 requesting to grant approval for conversion of land use based on the No Objection Certificates issued by the Tahsildar concerned and the fourth respondent village panchayat. Since there is a delay on the part of the third respondent in issuing land conversion certificate, the respondents 1 and 2 returned the request for exemption on 25.10.2016 and 14.11.2016 respectively with a direction to take penal action. The said orders are under challenge in this writ petition.

4.The learned counsel for the petitioner would submit that even though the prayer in the writ petition is widely worded, the petitioner is restricting his claim to the extent of making a plea for consideration of the representations of the petitioner.

5.The learned Government Advocate appearing for the respondents 1 to 3 would submit that it is agreeable for the third respondent to consider the representations of the petitioner and to pass appropriate orders within a period of eight weeks.

6.Recording the submission made by the learned Government Advocate appearing for the respondents 1 to 3, the third respondent is directed to consider the representations of the petitioner dated 15.12.2012 and 21.02.2013 and to pass orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Town & Country Planning,
No.807, Anna Salai, Chennai.

2.The Deputy Director of Town & Country Planning,
Thanjavur Region,
No.33, Rajappa Nagar,
Thanjavur 613 001,
Thanjavur District.



3.The District Collector,
Thanjavur District.

4.The President,
Pudukkottai Ullur Village Panchayat,
Pattukkottai Union,
Pattukkottai Taluk,
Thanjavur District.

+1cc to Mr.R.Velmurugan,Advocate in SR. No.78610

+1cc to Mr.S.Srinivasa Raghavan, Advocate in SR. No.76356

+1cc to Special Government Pleader in SR. NO.79536

smn

js /SU/mms/1.02.2017/4p-8c

ORDER MADE IN

W.P (MD) No.23002 of 2016
and

W.M.P (MD) No.16480 of 2016
02.12.2016