

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.6.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.187 of 2017
and
C.M.P.No.2816 of 2017

M/s.Veetu Urimiyalargal Nalasangam
Gandhi Nagar
(Reg.350/2016)
No.48/12A, M.C.Street, Gandhi Nagar,
Old Pallavaram, Chennai 600 117.

.. Appellant/Third Party
Petitioner

vs.

- 1 Vaels Educational Trust
Rep. by Managing Trustee
Velan Nagar PV Vaithiyalingam Road
Pallavaram Chennai-600 117. ..1st Respondent/petitioner
- 2 Superintendent Achaeologist
Government of India
Archaeological Survey of India
Chennai Circle Fort St. George
Chennai-600 009.
- 3 Competent Authority
Government of India Tamil Nadu
Fort St. George Chennai-600 009.
- 4 The District Collector
District of Kancheepuram
- 5 Revenue Divisional Officer
Tambaram, Chennai
- 6 The Deputy Commissioner of Police,
Butt Road, St. Thomas Mount
Chennai 600 016. ... Respondents 2 to 6/
1 to 5 Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.12.2016 passed in W.P.No.38627 of 2016 on the file of this court.

W.P.No.38627 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to process the Form I application submitted by the petitioner Trust dated 06.05.2011 and grant appropriate No Objection Certificate / Permission to the Petitioner Trust for construction of School in the lands bearing S.No.41/1 Part at Zamin Pallavaram Village The Pallavaram Municipality Belonging to the petitioner trust.

For appellant : Mr.S.Rajeni Ramadass

For R2 : Mr.Su.Srinivasan,
Assistant Solicitor General

For R3 to R6 : Mr.V.Ayyadurai,
Additional Advocate General assisted by
Mrs.A.Srijayanthi, Special Govt. Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.Su.Srinivasan, learned Assistant Solicitor General appearing for the second respondent and Mr.V.Ayyadurai, learned Additional Advocate General appearing for respondents 3 to 6 for some time.

2. The writ appeal is filed by the appellant-Association challenging the order passed by the learned Single Judge, directing the authorities to conduct a survey in the subject land in respect of Archaeological site area, prohibited area and regulated area to enable the Archaeological Department to take necessary steps to protect the heritage areas, in the writ petition filed by the first respondent herein, an educational Trust, seeking a direction to the respondent-authorities to grant no objection certificate/permission for construction of a school in their land, since a portion of their land fell within the prohibited area and some other portion fell within the regulated area.

3. The grievance of the appellant/third party to the writ petition, a residential Association, is that the survey ordered by the learned Single Judge would be a futile exercise as they had already filed a writ petition W.P.No.12753 of 2013 in this regard, challenging the declaration of the subject property as

protected site. However, now, the learned counsel appearing for the appellant would contend that the writ appeal has become infructuous having regard to the fact that the time limit for conducting the survey was fixed as 15.2.2017 and the survey was already conducted.

4. Accordingly, the writ appeal is dismissed as infructuous. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. Superintendent Archaeologist
Government of India
Archaeological Survey of India
Chennai Circle Fort St. George
Chennai-600 009.
2. Competent Authority
Government of India Tamil Nadu
Fort St. George Chennai-600 009.
3. The District Collector
District of Kancheepuram
4. Revenue Divisional Officer
Tambaram, Chennai
5. The Deputy Commissioner of Police,
Butt Road, St. Thomas Mount
Chennai 600 016.

+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.43054

W.A.No.187 of 2017

KJ(CO)
CS/12/07/17