

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1660 of 2017

Mahatma Gandhi Medical College
and Research Institute
represented by its Legal Officer and Head (HR)
Pondy Cuddalore Main Road
Pillaiyarkuppam
Puducherry 607 402 .. Petitioner

-vs-

1. The Secretary to the Government
(Local Administration)
Government of Puducherry
Goubert Avenue
Pudhucherry 605 001
2. Member Secretary
Town and Country Planning Department
Government of Puducherry
Pudhucherry
3. The Member Secretary
Pudhucherry Planning Authority
Jawahar Nagar, Boomanipet
Pudhucherry
4. The Commissioner
Bahoor Commune Panchayat
Government of Puducherry
Pudhucherry .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the fourth respondent to issue NOC subject to the conditions that may be stipulated by it and send the same to the third respondent to enable the third respondent to issue building plan approval to the petitioner Institution, within a reasonable time as may be fixed by this Hon'ble Court.

For Petitioner:: Mr.N.Anand Venkatesh

For Respondents:: Mr.J.Kumaran
Government Advocate (Pondy)

ORDER

Mahatma Gandhi Medical College and Research Institute represented by its Legal Officer and Head (HR), Puducherry has prayed for issuance of a writ of mandamus, directing the Commissioner, Bahoor Commune Panchayat, Government of Puducherry, the fourth respondent herein to issue No Objection Certificate subject to the conditions that may be stipulated by them and thereupon send the same to the Member Secretary, Pudhucherry Planning Authority, the third respondent herein to issue building plan approval to the petitioner Institution, within a reasonable time.

2. Mr.N.Anand Venkatesh, learned counsel for the petitioner submitted that the petitioner-Mahatma Gandhi Medical College and Research Institute, which is offering health care to the poor and needy patients and also providing education to the student community along with giving job opportunities to the local community at large, after obtaining necessary permission from the planning authority from its inception, has submitted an application to the Member Secretary, Pondicherry Planning Authority for PPA approval for additional building (12 nos.) in the year 2014. As they had proposed to construct buildings including medical college extension, medical college annexe block etc., the Planning Authority in their letter dated 19.1.2015 informed the petitioner institution about some violations with regard to the construction put up by them and thereupon directed the petitioner institution to set right all the violations. Therefore, an appeal was also given to the second respondent on 9.2.2015 clarifying the queries raised by the Planning Authority. Finally the appeal was also allowed by the Town and Country Planning Board on 5.3.2015 after compounding the set back deviation for the unauthorized construction, with a direction to the Pudhucherry Planning Authority to issue approval for the hospital building and additional blocks after obtaining NOC from various departments. He has also submitted that the Public Health division, the National Highways, the Electricity Department and the Fire Service Department also by their letters dated 26.6.2015, 3.7.2015, 8.7.2015 & 21.7.2015 respectively, have granted necessary clearances and also the State Level Environment Impact Assessment Authority, by their proceedings dated 17.6.2016, has granted environmental clearance to the petitioner towards the additional construction and the extension of 12 buildings. Under these circumstances, the petitioner has given detailed representations dated 23.8.2016, 18.10.2016 and 19.10.2016 seeking planning permission for the additional construction. As the clearance from the fourth respondent is only pending, a suitable direction should be issued, since the petitioner has also given an affidavit of undertaking more clearly mentioning in paragraph-5 that they will hand over to the Government equal extent of land (same value of encroached land portion) outside their campus if directed by the Government.

3. The learned Government Advocate for the respondents also has requested to grant some reasonable time to consider the case of the petitioner for issuing of no objection certificate by the fourth respondent, so that the third respondent can proceed further for granting planning permission.

4. This Court, without going to the merits of the matter, considering the grant of no objection certificates by various authorities, namely, the Public Health division, the National Highways, the Electricity Department, the Fire Service Department and the State Level Environment Impact Assessment Authority on 26.6.2015, 3.7.2015, 8.7.2015, 21.7.2015 & 17.6.2016 respectively, hereby directs the fourth respondent to consider the application of the petitioner on merits and do the needful in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.1630 of 2017 is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ss
To

1. The Secretary to Government
(Local Administration)
Government of Puducherry
Goubert Avenue
Pudhucherry 605 001
2. The Member Secretary
Town and Country Planning Department
Government of Puducherry
Pudhucherry
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Pudhucherry Planning Authority
Jawahar Nagar, Boomanipet
Pudhucherry
4. The Commissioner
Bahoor Commune Panchayat
Government of Puducherry
Pudhucherry

+1cc to M/s.N.Anand Venkatesh,sr.11438
+1cc to Government Pleader,Puducherry sr.11736

W.P.No.1660 of 2017

rsk(co)
ss(3/3/2017)