

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.17652 of 2017

SSM College of Engineering,  
NH-47, Salem Main Road,  
Komarapalayam,  
Namakkal District - 638 183,  
Rep.by its Chairman M.S.Mathivanan.

... Petitioner

Vs.

1. The Regional Officer,  
All India Council for Technical Education (AICTE),  
Shastri Bhavan,  
Haddows Road,  
Chennai - 600 006.

2. The Director,  
Approval Bureau,  
All India Council for Technical Education (AICTE),  
Nelson Mandela Marg,  
Vasant Kunj,  
New Delhi - 110 007.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents from insisting planning permission from the Director of Town & Country Planning (DTCP), Tamil Nadu pursuant to their letter in F.No.Southern/DTCP/2017-18/AB, dated 26.04.2017 by accepting the Planning permission granted by the Thattankuttai Panchayat on various dates viz., 01.12.1998, 01.12.1998, 01.12.1998, 10.12.1998, 20.8.1999, 20.08.1999, 25.8.1999, 10.12.1999, 20.08.2000, 14.06.2006, 05.02.2007, 05.02.2008 for the grant of extension of approval from the Academic year 2017-2018.

For Petitioner : Mr.N.Chandrasekharan

For Respondents : Mr.B.Rabu Manohar

## O R D E R

Mr.B.Rabu Manohar, learned counsel takes notice on behalf of the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus, forbearing the respondents from insisting planning permission from the Director of Town & Country Planning (DTCP), Tamil Nadu pursuant to their letter in F.No.Southern/DTCP/2017-18/AB, dated 26.04.2017 and consequently accepted the Planning permission granted by the Thattankuttai Panchayat on various dates viz., 01.12.1998, 01.12.1998, 01.12.1998, 10.12.1998, 20.8.1999, 20.08.1999, 25.8.1999, 10.12.1999, 20.08.2000, 14.06.2006, 05.02.2007, 05.02.2008 for grant of extension of approval from the Academic year 2017-2018.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. The contention of the petitioner is that even before the amendment made under Section 47 of the Town and Country Planning Act, which came into effect from 01.01.2011, the petitioner has already obtained the building planning approval from the local body viz., Thattankuttai Panchayat and therefore, the respondents are not justified in seeking approval of such building planning once again from the Director of Town and Country Planning, by insisting the compliance of Section 47 of the said Act.

5. The learned counsel appearing for the petitioner also invited this Court's attention to the earlier passed by this Court in similar situations in W.P.Nos. 20890 and 20891 of 2016, dated 31.08.2016, W.P.No.9219 of 2017, dated 17.4.2017 and W.P.No.14874 of 2017, dated 14.6.2017.

6. The learned counsel appearing for the respondents is not disputing the factual position that the issue involved in this case is covered by the above decisions made by this Court earlier. Therefore, he submitted that the respondents will consider the representation of the petitioner dated 04.07.2017, based on the approvals already granted by the local body, provided, the petitioner places all those approvals before the respondents for their verification. The learned counsel for the petitioner further submitted that the approval granted by the local body will be placed before the respondents for their verification and for further orders on the petitioner's request made on 04.07.2017.

7. Considering the above stated facts and circumstances and considering the fact that the petitioner is said to have obtained the building planning approval from the local body, even before the amendment made to Section 47 of the Tamil Nadu Town and Country Planning Act, 1971, it is for the respondents to consider the request of the petitioner, based on the approval said to have been given by the local body.

8. Accordingly, this writ petition is disposed of, by directing the respondents to consider the request of the petitioner for extension of approval, based on the planing permission granted by the Thattankuttai Panchayat and without insisting for planning permission from the Director of Town and Country planning. The petitioner shall produce all the original planning permission before the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such planning approval, the respondents will pass appropriate orders within a period of four weeks, thereafter. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk/ms  
To

1. The Regional Officer,  
All India Council for Technical Education (AICTE),  
Shastri Bhavan, Haddows Road,  
Chennai - 600 006.
2. The Director,  
Approval Bureau,  
All India Council for Technical Education (AICTE),  
Nelson Mandela Marg,  
Vasant Kunj, New Delhi - 110 007.

+1cc to Mr.N.Chandrasekaran, Advocate Sr.48296  
+1cc to Mr.B.Rabumanohar, Advocate Sr.48297

W.P.No.17652 of 2017

vd[co]  
srg 21/07/2017