



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.15964 of 2014
& M.P. (MD) Nos.1 and 2 of 2014

Theni Kammavar Sangam College of Technology,
Rep. by its President,
KVR.Krishnasamy,
Theni Kammavar Sangam,
No.6, Karajar Road,
NRT Nagar,
Theni - 625 534.

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
Anna Salai, Chennai - 600 002.
- 2.The Deputy Director (In-charge),
Town and Country Planning,
Madurai Regional Office, Madurai District.
- 3.The President,
Aranmanaiputhur Panchayat,
Theni Union,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the second respondent, vide his proceedings, dated 06.08.2014 and quash the same.

For Petitioner	: Mr.D.Saravanan
For R1 & R2	: Mr.S.Chandrasekar
	Government Advocate
For R3	: No Appearance

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

The petitioner is running an Educational Institution and is aggrieved by the action initiated by the respondents in locking and sealing the premises, where the Institution is functioning on the ground that no planning permission was obtained or there is



substantial violation of the building plan, which was approved by the Panchayat, where the land is situated.

2. Though it is stated that the entire building was locked and sealed, it appears that only a portion of the building has been locked and still, the Educational Institution is functioning in the building.

3. The second respondent has filed a detailed counter affidavit contending that the third respondent is empowered to give plan approval only for 2000 sq.ft. of commercial building and 4000 sq.ft. of residential building that too only for Ground + 1 Floor and they cannot grant building plan approval for the petitioner's Institution, which is a multi-storied construction. Further, it is submitted that to obtain building plan approval from the second respondent, the petitioner has to obtain Electrical Safety Certificate, Fire Safety Certificate and Public Building License and that the petitioner has not obtained any of these certificates.

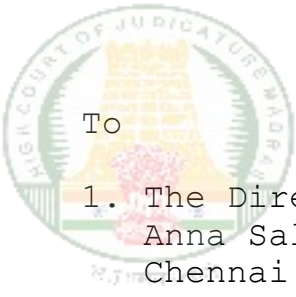
4. Considering the fact that the building has not been fully sealed and still the Institution is functioning and due to efflux of time, various amendments, which have been made to the Tamil Nadu Town and Country Planning Act and Development Rules, we are of the view that this is a fit case to be remanded to the second respondent for fresh consideration. Accordingly, the petitioner is directed to submit a revised plan along with all necessary enclosures to the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the revised plan, the second respondent shall inspect the building, take measurements and thereafter, pass a reasoned order on merits and in accordance with law. The Management of the Petitioner's Institution and their officials shall extend fullest cooperation to the second respondent and their officials at the time of inspection. In case, the petitioner has already approached the Director of Town and Country Planning for any orders, those documents should also be placed before the second respondent. Considering the fact that only some portions of the building were locked and sealed in 2014, status quo, which is prevailing as on date shall continue.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Director of Town and Country Planning,
Anna Salai,
Chennai - 600 002.

2. The Deputy Director (In-charge),
Town and Country Planning,
Madurai Regional Office,
Madurai District.

3. The President,
Aranmanaiputhur Panchayat,
Theni Union,
Theni District.

+1 cc to Mr.D.Saravanan, Advocate, SR.No.52286

+1 cc to Special Government Pleader, SR.No. 52531

**W.P (MD) No.15964 of 2014
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17.04.2017**

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