



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Writ Petition (MD) No.3916 of 2011

and

M.P(MD)No.1 of 2011

P.Sankaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep by its the Secretary,
Department of Town and Country Planning,
Secretariat,
Chennai.

2.The Deputy Director of Town Planning,
Office at Deputy Director of Town Planning,
Sivagangai Region,
No.430, Gandhi Street,
Sivagangai District.

3.The President,
Sathani Panchayat,
Ilayangudi Taluk,
Sivagangai District.

4.S.Shobitha Sirajudeen,
The President,
Sathani Panchayat,
Ilayangudi Taluk,
Sivagangai District.

... Respondents

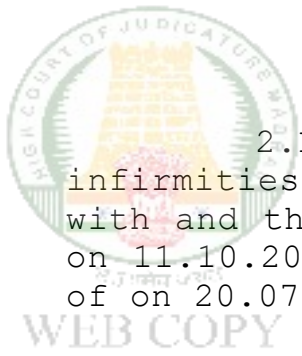
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.1965/2010/C.Ma.3 dated 01.01.2011 on the file of the Respondent No.2 and quash the same as illegal.

For Petitioner : Mr.J.Ravichandran

For Respondents 1&2 : Mr.T.R.Janarthanam,
Additional Government Pleader.

ORDER

The petitioner's school building approval was cancelled by an order dated 01.01.2011 by the second respondent pointing out certain infirmities which are against the regulations. Among the five infirmities pointed out, the petitioner was informed that the school building premises was a subject matter of civil suit in O.S.No.15 of 2010. Apart from that, the petitioner's school's location being not in conformity with the revenue records was also one such discrepancy.



2.Learned counsel for the petitioner submits that all the infirmities pointed out by the second respondent has been complied with and that the suit in O.S.No.15 of 2010 came to be disposed of on 11.10.2011 and the suit in O.S.No.8 of 2009 came to be disposed of on 20.07.2016.

3.In this background, the petitioner is granted liberty to make a fresh application seeking for approval with the second respondent enclosing the relevant documents establishing, compliance of the infirmities pointed out in the impugned order dated 01.11.2011 and on receipt of such an application, the second respondent shall consider the same on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till the application is disposed of, the impugned order dated 01.01.2011 shall be kept in abeyance.

4.With the above observation, the writ petition stands disposed of. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary,
The State of Tamil Nadu,
Department of Town and Country Planning,
Secretariat,
Chennai.

2.The Deputy Director of Town Planning,
Office at Deputy Director of Town Planning,
Sivagangai Region,
No.430, Gandhi Street,
Sivagangai District.

+1 cc to MR.T.Lajapathi Roy, ADVOCATE, SR NO:7407
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 7506

sms
sva/sv/mms/20.02.2017/2p/5c