

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14057 of 2018

and

W.M.P.Nos.16614 and 16615 of 2018

M.G.Public School,
Rep. by its Correspondent,
Dr.G.Subramaniam,
2/164, Peravoor,
Ramanathapuram-623 504.

.. Petitioner

Vs.

The Director of School Education,
DPI Compound, College Rod,
Chennai-600 006.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the respondent in Na.Ka.No.1060/Ji 1/e2/2017, dated 09.05.2017 and quash the same as illegal in so far as insisting of building plan approval from the DTCP is concerned and consequently direct the respondents to process the application of the petitioner for issuance of NOC for the purpose of starting CBSE School without insisting upon approval from the DTCP in view of settled proposition of law within a time frame that may be fixed by this Court.

For petitioner : Mr.E.Vijay Anand

For respondent : Mr.A.Rajaperumal, Addl.G.P.

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the respondent in Na.Ka.No.1060/Ji 1/e2/2017, dated 09.05.2017 and quash the same as illegal in so far as insisting of building plan approval from the DTCP is concerned and consequently direct the respondents to process the application of the petitioner for issuance of NOC for the purpose of starting CBSE School, without

insisting upon approval from the DTCP, in view of the settled proposition of law, within a time frame that may be fixed by this Court.

2. When the Writ Petition is taken up for hearing, learned Additional Government Pleader appearing for the respondent submitted that the issue involved in this Writ Petition is covered by the order dated 04.07.2017 passed by this Court in W.P.No.15334 of 2017, wherein, this Court has directed the respondents therein to consider the petitioner's application seeking approval/permission to start Arts and Science College for Women, without insisting upon the production of approval of the building plan by the Director of Town and Country Planning (DTCP). For better understanding, relevant portion of the said order is extracted hereunder:

"9. Therefore, by following the above said order passed by this Court in W.P.Nos.20890 and 20891 of 2016, dated 31.08.2016, which in fact, followed by another learned Judge in W.P.No.9219 of 2017, dated 17.4.2017, this writ petition is disposed of, with a direction to the respondents to consider the application filed by the petitioner seeking for approval / permission to start the Arts and Science College for Women, without insisting upon the production of approval of the building plan by the Department of Town and Country Planing. In all other aspects, the petitioner shall satisfy the authorities viz., the respondents, if the certificates already produced by them are not sufficient enough insofar as those aspects are concerned. The respondents shall consider the application of the petitioner and pass appropriate orders within a period of four weeks from the date of production of certificates. The petitioner shall produce the other required certificates before the authorities within a period of two weeks from the date of receipt of a copy of this order. "

3. On the same terms, this Court disposed of the following Writ Petitions also:

- (i) W.P.Nos.682 and 683 of 2018, dated 19.01.2018 and
- (ii) W.P.No.2148 of 2018, dated 15.02.2018

4. In fine, the present Writ Petition is also disposed of

on the same terms as mentioned in the above Writ Petitions. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

CS

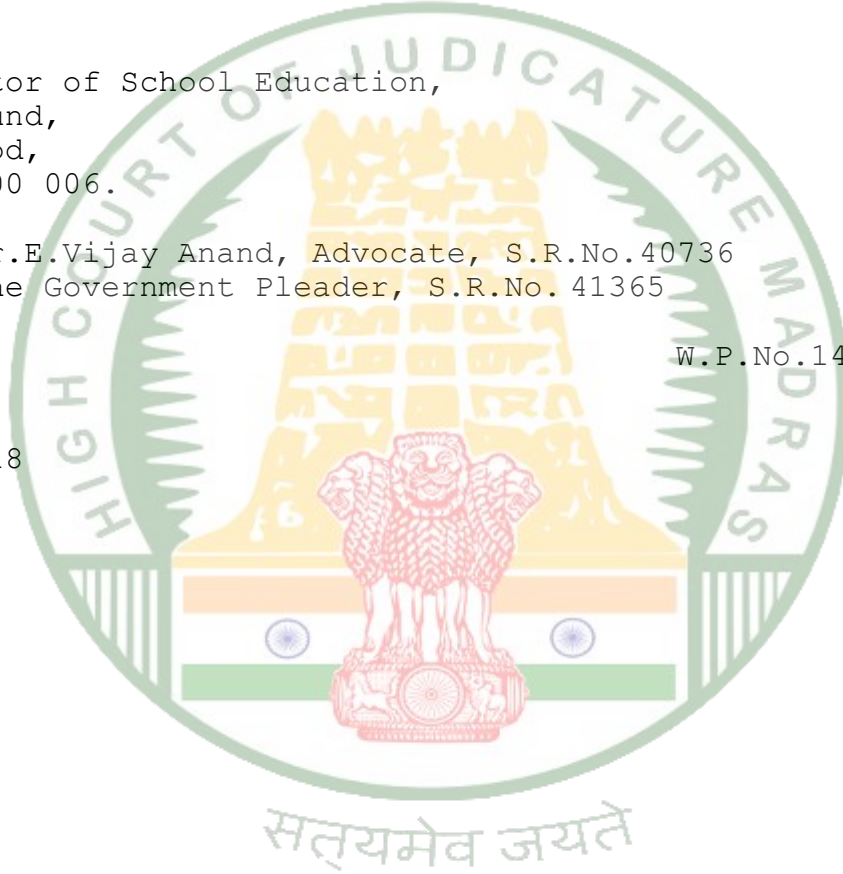
To

The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.

+1cc to Mr.E.Vijay Anand, Advocate, S.R.No.40736
+1cc to the Government Pleader, S.R.No.41365

W.P.No.14057 of 2018

RK(CO)
CS/02/07/18



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