

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15611 of 2018
and
W.M.P.No.18529 of 2018

Shigi Varghese,
D/o Varghese K.L.,
Correspondent,
Our Lady of the Missions
Nursery and Primary School,
Madurampattu Village and Post,
Kilpennathur Taluk,
Thiruvannamalai District. ... Petitioner

Vs.

The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent not to insist upon building plan from the Director of Town and Country Planning in respect of the petitioner's institution "Our Lady of the Missions Nursery and Primary School" under the Kripathara Trust from LKG to 5th Standard, Madurampattu Village and Post, Kilpennathur Taluk, Thiruvannamalai and process the application for recognition and upgradation based on the local body building plan approval, in view of the various orders passed by this Court.

For petitioner : Mr.D.Rajagopal

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 Mandamus to direct the respondent not to insist upon building plan from the Director of Town and Country Planning in respect of the petitioner's institution "Our Lady of the Missions Nursery and

Primary School" under the Kripathara Trust from LKG to 5th Standard, Madurampattu Village and Post, Kilpennathur Taluk, Thiruvannamalai and process the application for recognition and upgradation based on the local body building plan approval, in view of the various orders passed 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 Planning. 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.P. is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

CS

To

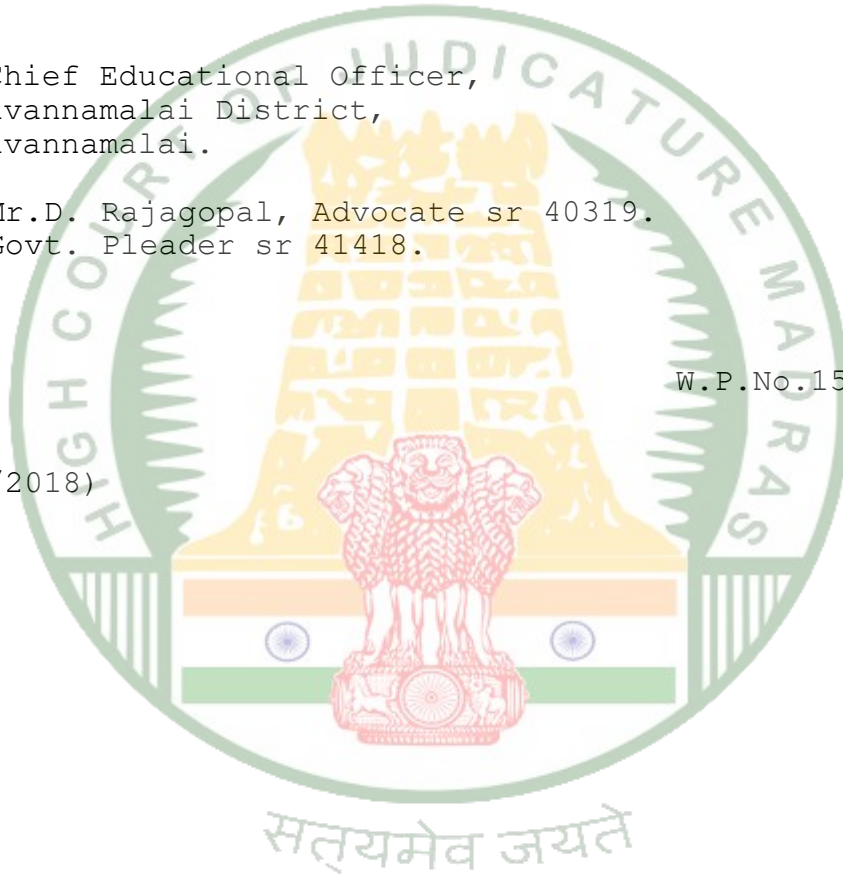
The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1 CC to Mr.D. Rajagopal, Advocate sr 40319.

+1 CC to Govt. Pleader sr 41418.

W.P.No.15611 of 2018

GSP(04/07/2018)



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