

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.26995 of 2018

Pinkz Public Matriculation Higher Secondary School,
represented by its, Correspondent R.Ramesh ... Petitioner

Versus

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

2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District-6060 601. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to forward the petitioner application dated 12.4.2018 to first respondent for issuance of NOC for the purpose of starting the CBSE School without insisting upon approval from the Directorate of Town and Country Planning (DTCP) in view of settled proposition of law by taking into consideration the petitioner's compliance report dated 25.6.2018 followed by representation dated 1.10.2018 and consequentially directing the first respondent to grant NOC within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr. E.Vijay Anand

For Respondents : Mrs.V. Annalakshmi,
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the second respondent to forward the petitioner application dated 12.4.2018 to first respondent for issuance of NOC for the purpose of starting the CBSE School without insisting upon approval from the Directorate of Town and

Country Planning (DTCP) in view of settled proposition of law by taking into consideration the petitioner's compliance report dated 25.6.2018 followed by representation dated 1.10.2018 and consequentially directing the first respondent to grant No Objection Certificate.

2. In similar circumstances, this Court by an order dated 05.07.2018 in W.P.No.16697 of 2018, etc. batch of cases, has disposed of the Writ petitions, directing the respondent therein to consider the applications seeking for approval without insisting upon the production of building plan approval from the Directorate of Town and Country Planning.

3. The learned Government Advocate appearing for the respondents has no objection for passing similar orders in this case also.

4. In the above said W.P., this Court has passed the following order:

"2. When the writ petitions are taken up for hearing, learned Government Advocate appearing for the respondent submitted that the issue involved in these writ petitions 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 respondent(s) 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 Department of Town and Country Planning. 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 17.04.2017, 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 petition shall produce the other required certificates before the authorities within a period of two weeks from the date of receipt of 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

(II) W.P.No. 2148 of 2018, dated 15.02.2018

4. In fine, the present writ petitions are also disposed of on the same terms as mentioned in the above writ petitions. No costs."

5. Following the same, the present Writ Petition is also allowed and the respondents are directed to consider the application of the petitioner for starting a CBSE School without insisting upon building plan approval from the Directorate of Town and Country Planning (DTCP). However, in all other aspects, the petitioner shall satisfy the authorities, viz., the respondents. The respondents shall consider the application of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order, on production of other certificates and papers that are required from him for processing the application. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

mpa/tsi

To

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

2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District-6060 601.

+1cc to Mr.E.Vijayanand, Advocate SR.No.72910

+1cc to Government Pleader SR.No.73945

W.P.No.26995 of 2018

EV(CO)

GMV(14/11/2018)