

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33313 of 2018

The Federation of Private Schools in Tamil Nadu (FAPSIT),
a registered society (Registration No.108/2010),
represented by its Secretary, D.C. Elangovan,
No.11/6A, P.T.Rajan Salai, 20th Avenue,
K.K.Nagar, Chennai-600 078.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George.
Chennai - 600 009.
2. The Commissioner,
Municipal Administration Department,
Government of Tamil Nadu,
Ezhilagam, Chempauk,
Chennai - 600 005.
3. The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.
4. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
School Educational Department,
Fort St. George,
Chennai - 600 009.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 and 2 herein to consider the representation of the petitioner dated 18.06.2018 for extending the benefit of obtaining concurrence from the 3rd respondent in respect of the buildings in which educational institutions are constructed in planning areas are functioning and which were completed prior to 01.01.2011, on payment of the stipulated charges, as provided for buildings in which educational institutions are constructed in non-planning areas, under G.O.Ms.No.76 dated 14.06.2018.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mrs.Ramya Revathy
Government Advocate

O R D E R

This writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 18.06.2018 for extending the benefit of obtaining concurrence from the Director of town and Country Planning, in respect of the buildings, in which educational institutions are constructed in a planning areas.

2. According to the petitioner association, they have submitted their representation dated 18.06.2018 on the ground that, the Government already issued an order in G.O.(Ms)No.76, Housing and Urban Development, (UD4(3) Department, dated 14.06.2018, regularizing the non-plan area educational institutions and sought that the similar relief should be extended to the schools running in the planning area also. But, so far their representation has not been considered by the respondents 1 and 2. Hence, the present writ petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the Government Advocate appearing for the respondents and perused the materials available on record.

4. Considering the limited prayer sought for in this writ petition, without going into the merits of the case, the respondents 1 and 2 are directed to consider the petitioner's representation dated 18.06.2018 and pass suitable orders on merits and in accordance with law, after giving opportunity to the petitioner within a period of eight weeks from the date of receipt of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George.
Chennai - 600 009.
2. The Commissioner,
Municipal Administration Department,
Government of Tamil Nadu,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.
4. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
School Educational Department,
Fort St. George,
Chennai - 600 009.

+1cc to V.G.Suresh Kumar, Advocate sr.86955
+1cc to the Government Pleader sr.88403

W.P.No.33313 of 2018

srg 21/12/2018

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