



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.14509 of 2018

and

W.M.P. (MD) No.13100 of 2018

J.S.Nursery and Primary School,
represented by its correspondent
Nalini Amma

... Petitioner

vs.

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
3. The Special Officer,
Muzhucode Panchayat,
Vilavancode Taluk,
Kanyakumari District.
4. The President,
Muzhucode Panchayat,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to permit the petitioner to complete the construction based on the building plan approved by the fourth respondent on the basis of the petitioner's representation dated 05.06.2018.

For Petitioner : Mr. M.Lingadurai
For R1 and R2 : Mr.S.Nagarajan
Special Government Pleader
For R3 and R4 : Mr.A.Thiagarajan

O R D E R

Mr.S.Nagarajan, learned Special Government Pleader, takes notice for the respondents 1 and 2. Mr.A.Thiagarajan, learned counsel takes notice for the respondents 3 and 4.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner who is running a school claims to have obtained all the necessary permission from the Educational authorities. According to the learned counsel for the petitioner, the school is functioning from the year 1986 and as on date 142 students are studying in that school. It is the apprehension of the petitioner that the respondents herein are preventing them from putting up construction in the school property.

4. It is seen that the petitioner herein has obtained an approved building plan and the petitioner also intend to put up constructions in the existing school property. The respondents may not be justified in preventing the petitioners from putting up new construction, in view of the approved plan. Nevertheless, the petitioner has also made a representation to the fourth respondent herein requesting for completion of the construction, which representation is said to be pending.

5. In my view, if the fourth respondent is directed to consider the representation in the light of the observation made in the present order, the ends of the justice would be met. Hence, there shall be a direction to the fourth respondent to consider the representation dated 05.06.2018, in the light of the observations made in this order and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.



3. The Special Officer,
Muzhucode Panchayat,
Vilavancode Taluk,
Kanyakumari District.

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4. The President,
Muzhucode Panchayat,
Vilavancode Taluk,
Kanyakumari District.

+ 1 CC TO Mr.M.LINGADURAI, ADVOCATE IN SR No. 71901

PNN

TE/SV/SAR-1 : 13/07/2018 : 3P/6C

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