



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15979 of 2017

and

W.M.P.(MD) Nos.12632 and 12633 of 2017

Mahajana Vidyalaya Matriculation School,
Rep. by its Correspondent.
J.Suresh babu

... Petitioner

Vs.

1. The Director of Matriculation School,
DPI Campus, Chennai.
2. The Inspector of Matriculation School,
Madurai-2, Madurai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records on the file of the first respondent pertaining to its proceedings in Na.Ka.No.2609 /A5/2017 dated 19.06.2017 and to quash the same and consequently direct the respondent to grant permission to run the School with classes L.K.G to 8th standard from academic year 2017-2018 without insisting for plan approval from the Director of Town and Country Planning within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.J.Gunaseelanmuthiah,
Additional Government Pleader.

O R D E R

The only ground, on which the petitioner's application, seeking for permission to run a School with classes L.K.G to 8th standard came to be rejected by the first respondent, is that he had not obtained DTCP approval for the land, in which the School was proposed to be constructed. The said order, dated 19.06.2017, rejecting the petitioner's application is impugned in the present writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Hon'ble Division Bench of this Court had an occasion to deal with on this issue in **The Director of Matriculation Schools Vs. Kaviyan School** reported in **2015-5-L.W.101** and in which, it was



observed that there is no prescription in the Rules that the school concerned should seek approval, directly from the Town and Country Planning Authorities. The said observation is extracted here under:-

13. The order of the learned Single Judge, setting aside the entire impugned proceedings of the appellant, dated 18.11.2014, may not be justified. The only issue that has been addressed is whether a separate approval should be granted by the Town and Country Planning Authorities. Proviso to Rule 25 of the Rules makes it clear that executive authority, namely, village panchayat, should do an act in a particular manner. There is no prescription in the Rules that the school concerned should seek approval, directly, from the Town and Country Planning Authorities. Therefore, such a requirement in the impugned proceedings is unwarranted. That, however, does not preclude the Director of Matriculation Schools, the appellant herein, from asking relevant particulars from the Panchayat concerned or the Town and Country Planning Authorities and find out whether approval is granted, in the manner that law requires. In case, the village panchayat, for some reason, has not done its duty, the Director of Matriculation Schools can very well call upon the panchayat to get approval from the Town and Country Planning Authorities or write to the District Collector or any other competent authority to take action on the said person, in accordance with law, so that defects can be cured.

3. In the light of the above observation of the Hon'ble Division Bench of this Court the first respondent may not be justified in insisting the petitioner to produce a copy of the DTCP approval.

4. In the result, this Writ Petition is allowed and the impugned order dated 19.06.2017 passed in Na.Ka.No.2609/A5/2017 by the first respondent is quashed and consequently, the first respondent is directed to process the petitioner's application seeking for approval, without insisting DTCP approval. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To:

1. The Director of Matriculation School,
DPI Campus, Chennai.

2. The Inspector of Matriculation School,
Madurai-2, Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66971

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 66617

CP

TE/JC/SAR-3 : 08/06/2018 : 3P/5C

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