

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8604 of 2019
and W.M.P.No.9127 of 2019

Trinity International Residential School,
Rep by its Correspondent Mrs.Sujaritha Suresh,
No.4/84/16, Trinity Woods,
Thiruviruthanpulli, Pattamadai Road,
Tirunelveli District

.. Petitioner

vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Chief Educational Officer,
Tirunelveli Region,
Tirunelveli District
3. The Special Officer,
Thiruviruthanpulli Panchayat,
Cheranmahadevi Block,
Tirunelveli District.
4. The Deputy Director,
Town and Country Planning,
Tirunelveli Region,
Xavier Colony,
South Bye-Pass Road,
Tirunelveli 627 005

(R3 and R4 are impleaded as per order dated 25.04.2019
in W.M.P.No.10548 of 2019 in W.P.No.8604 of 2019) .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus to call for the records relating to the impugned order
vide Na.Ka.No.007810/G1/E2/2019 dated 26.02.2019 issued by the
first respondent and quash the same and consequently direct the
respondents to consider the petitioner's proposal dated
02.05.2018 seeking permission to run the petitioner School with
LKG to VIII standards without insisting on the plan approval
from Department of Town and Country Planning, within a time
frame.

For Petitioner : Mr.Abdul Saleem
<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents 1 and 2: Mrs.P.Kavitha,
Government Advocate

For Respondents 3 and 4: Mr.N.Inbanthan,
Additional Government Pleader

proposal dated 02.05.2018 seeking permission to run the petitioner School with LKG to VIII standards without insisting on the plan approval from Department of Town and Country Planning.

2. The petitioner-School is run by a Trust and has obtained the building permission from the President of Thiruviruthanpulli Panchayat on 20.06.2011 and was assessed to tax also. The structural stability certificate was also issued by the Chartered and Structural Engineer. The Fire Safety Rescue Service, Cheranmahadevi had issued 'No Objection Certificate' to run the petitioner-School. The Block Health Supervisor, Tirunelveli District had inspected the School building and certified that the accommodation and other facilities provided therein are sufficient, adequate and satisfactory. The Tahsildar, Cheranmahadevi also granted licence to the petitioner-School for a period from 01.11.2016 to 31.10.2019. The second respondent had forwarded the application for NOC and approval to the first respondent and the first respondent had passed the impugned order dated 26.02.2019 thereby returning the proposal of the petitioner-School on the ground that they have not obtained the plan approval from the Directorate of Town and Country Planning.

3. The learned Additional Government Pleader, upon instructions, submitted that the Special Officer, Thiruviruthanpulli Panchayat had forwarded the necessary documents to the fourth respondent/DTCP, who has been subsequently impleaded by this Court, for getting permission regarding the plan approval of the petitioner-School even on 22.04.2019 and the same is pending.

4. The last date for granting approval is 30th May of each year. As already the documents have been sent to the fourth respondent on 22.04.2019, in view of the urgency in the matter, the fourth respondent is directed to consider the petitioner's proposal dated 02.05.2018 and pass orders on merits and in accordance with law on or before 15.05.2019 and communicate the same to the petitioner and the respondent-authorities.

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

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

Srn

To

<https://hcservices.ecourts.gov.in/hcservices/>

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

2. The Chief Educational Officer,
Tirunelveli Region.

4. The Deputy Director,
Town and Country Planning,
Tirunelveli Region,
Xavier Colony,
South Bye-Pass Road,
Tirunelveli 627 005

+lcc to Mr.Abdul Saleem, Advocate SR.No.1340

+lcc to Mrs.P.Kavitha, Government Advocate SR.No.41260

+lcc to Mr.N.Inbanthan, Additional Government Pleader SR.No.40624
(CO)

NSD(28/05/2019)



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