

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.12474 of 2019 &
W.M.P.No.12747 of 2019

Tagore Matriculation Higher Secondary School,
Rep. by its Secretary Mrs.P.Kala,
Salem Cuddalore Main Road,
Deviyakurichi, Attur Taluk,
Salem - 636 112.

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development Department
(UDA(3) Department,
Fort St.George, Chennai - 600 009.

2.The Director of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.

3.The Director of Matriculation Schools,
College Road, Chennai - 600 006.

4.The Chief Educational Officer,
Salem District, Salem.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents, pertaining to the impugned G.O.Ms.No.76, dated 14.06.2018, Housing and Urban Development (UD4(3) Department, on the file of the first respondent and the proceedings of the third respondent Na.Ka.No.3849/Aa4/2018, dated 06.09.2018 insofar as it insists upon fresh DTCP approval for existing approval building, in respect of the petitioner School and quash the same and consequently direct the respondents 3 and 4 to process the application of the petitioner, dated 11.04.2019 submitted for renewal of recognition without insisting upon the production of Building Plan Approval from the Town and Country Planning Authority.

For Petitioner : Mr.N.Mathivanan

For Respondents : Mr.B.Anand
Government Advocate for R1 & R2

Mr.K.Karthikeyan
Government Advocate for R3 & R4

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents, pertaining to the impugned G.O.Ms.No.76, dated 14.06.2018, Housing and Urban Development (UD4(3) Department, on the file of the first respondent and the proceedings of the third respondent Na.Ka.No.3849/Aa4/2018, dated 06.09.2018 insofar as it insists upon fresh DTCP approval for existing approval building, in respect of the petitioner School and quash the same and for direction to the respondents 3 and 4 to process the application of the petitioner, dated 11.04.2019 submitted for renewal of recognition without insisting upon the production of Building Plan Approval from the Town and Country Planning Authority.

2. The learned counsel for the petitioner submitted that though the petitioner has prayed for the larger relief, he would be satisfied if a direction is issued to the third respondent to entertain the petitioner's application dated 11.04.2019 in the light of the order passed in W.P.No.18539 of 2018 & etc., batch, dated 10.12.2018.

3. The learned Government Advocate appearing for the respondents would submit that in an identical circumstances, similar order has been passed by this Court in W.P.No.5757 of 2019, dated 05.03.2019, following the order passed in W.P.No.18539 of 2018 & etc., batch, dated 10.12.2018.

4. According to the learned counsel for the petitioner, the aforesaid order passed in W.P.No.5757 of 2019, dated 05.03.2019 would also apply to the facts of the present case.

5. In reply, the learned Government Advocate appearing for the respondents would submit that the application of the petitioner, dated 11.04.2019 will be considered by the third respondent in the light of the order passed by this Court in W.P.No.18539 of 2018 & etc., batch, dated 10.12.2018, within a time frame as fixed by this Court.

6. Taking note of the above submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the respondents 3 and 4 to consider the petitioner's application dated 11.04.2019 in the light of the orders passed in W.P.No.18539 of 2018 & etc. batch, dated 10.12.2018, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Insp. Cell)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Principal Secretary,
Housing and Urban Development Department
(UDA(3) Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Director of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
3. The Director of Matriculation Schools,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Salem District, Salem.

+1cc to Mr.N.Mathivanan, Advocate, S.R.No.41691

+2ccs to the Government Pleader, S.R.No.42504 & 42520

RGN (CO)

RRS (08/07/2019)

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