



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P.(MD)No.9173 of 2019

WEB COPY

Little Flower Matriculation School,
Rep. by its Correspondent, Fr.Binu K.Joseph,
Thanthonimalai,
Manavadi(Post),
Karur District - 639 005.

... Petitioner

Vs.

1. The Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Office of the Chief Educational Office,
Karur - 05.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to forward the application dated 12.12.2018 for upgradation of the petitioner's school from 10th to 12th standard and consequently directing the first respondent to process the petitioner's application for upgradation without insisting upon building plan approval from the Directorate of Town and Country Planning(DTCP) in view of the settled proposition of law within a time frame fixed by this Court.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

The Writ petitioner is running a school till 10th standard. He wants to upgrade the institution from 10th standard to 12th standard. He has already applied in this regard on 12.12.2018. The petitioner's application is kept pending for the reason that he has not obtained No Objection Certificate from the Director of Town and Country Planning Department. Hence, the Writ petition has been filed.

2. Heard the learned counsel on either side.

3. The issue on hand is no longer res integra. In the decision reported in (2015) 2 L.W.601(Kaviyan School V. The Director of Matriculation Schools), it was held that the prior approval from the Town and Country Planning Department cannot be



insisted upon.

4. The second respondent is therefore directed to forward the petitioner's application to the first respondent. This shall be done within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall consider the petitioner's petition mentioned application without such insistence and pass orders within period of twelve weeks.

5. This Writ petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

pmu

To

1. The Directorate of Matriculation Schools,
DPI Campus, College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Office,
Karur -5.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 65284

W.P. (MD) No. 9173 of 2019
30.04.2019

svn (CO)

TR (07.06.2019) 2P 4C