

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.11972 of 2020
and
W.M.P.No.14704 of 2020

Marian Matriculation School,
St.Thomas Academy, Rep. By its Correspondent,
Rev.Fr. C.Paulraj,
Magazine Road, St.Thomas Mount,
Chennai - 600 016. Petitioner

Vs.

The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Pallavaram,
Chennai - 600 016. Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondent in No. STM/Works/8/1413 dated 30.07.2020 and STM/Works/8/1678 dated 21.08.2020 and quash the same and consequently direct the respondent to regularize the construction of a watchman shed which is put up in an extent of 232.16 sq.ft in ground floor in the school premises.

For Petitioner ... Mrs.G.Selvi George

For Respondent .. Mr.C.Mohan

ORDER

(Order of the Court was made by M.M.Sundresh, J.)

This writ petition has been filed by the petitioner challenging the impugned notices with a direction to regularise the construction of a Watchman Shed said to have been put up in the ground floor of the school premises.

2.The learned counsel for the petitioner submitted that the request of the petitioner for giving approval ought to have been considered. Therefore, the impugned notices cannot be sustained in the eye of law.

3.The learned counsel for the respondent-Board submitted that the very request itself is not maintainable as the construction has already been put up unauthorisedly. What the petitioner can seek is only by way of an application for regularisation along with the requisite documents.

4.Considering the submissions made, we are of the view that the petitioner would be better advised to file an application for regularisation along with the documents available with it and among the documents sought for in the impugned notices. Such a request will have to be made within a period of one week from the date of receipt of a copy of this order. On such receipt, the respondent-Board will have to consider the same and pass appropriate orders. Till such time, status quo as on today shall be maintained.

5.The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

raa/kmk

To

The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Pallavaram,
Chennai - 600 016.

WEB COPY

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SPD(CO)
GMY(15/09/2020)