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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2021

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.4868 of 2017

and

W.M.P.Nos.5085 to 5087 of 2017

The Presentation Convent Matriculation
Higher Secondary School,
Rep by its Correspondent,
Naidupuram,
Kodaikanal - 624 101
Dindigul District.

...Petitioner

..Vs..

1. The Government of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
2. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying to issue writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 15.12.2016 in Na.Ka.No.1455/A4/2015 on the file of the 2nd respondent and quash the same and directing the respondents to renew recognition from Stds. LKG to Std X and to grant permission for the upgraded Stds. XI and XII, in respect of the petitioner, Presentation Convent Matriculation Higher Secondary School, Naidupuram, Kodaikanal, Dindigul District - 624 101.

For Petitioner : Mr.Xavier Arulraj, Standing Counsel
for M/s.A.Arul Mary

For Respondents : Mr.V.Namaram, AGP



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rule is still in existence. As per the said Rule 47-A, a consultation process was contemplated whereby the local body has to consult the DTCP before issuing a building planning approval. Admittedly, the petitioner school was a very old building and already got approval from the Kodaikanal Municipality vide its approval dated 03.09.1956. It is settled law that a statute cannot be amended with retrospective effect. Therefore, insistence of DTCP approval by virtue of amendment by way of inserting Section 47-A in Town and Country Planning Act, 1971 for extending/granting recognition to the petitioner school, cannot be sustained. Accordingly, the impugned proceedings dated 15.12.2016 passed by the 2nd respondent are set aside. However, safety of the students who are studying in the petitioner school and teaching personnel, is paramount consideration and admittedly the petitioner school building is very old, this Court feels it appropriate to direct the petitioner school to submit application seeking concurrence to the Directorate of Town and Country Planning within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the Directorate shall process it and pass appropriate orders thereof.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
Government of Tamil Nadu
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.
3. The Director of Town and Country Planning
807, Anna Salai, Chennai - 600 002.

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NSK 29/12/2021