



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7990 of 2021

Sri Lakshmi Matriculation Schools,
represented by its Correspondent,
Soundarapandian,
Ariyanayagipuram,
Sankarankovil,
Tirunelveli District.

...Petitioner

Vs.

- 1.The Director of Matriculation Schools,
Directorate of Matriculation Schools,
DPI Compound,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli-15.
- 3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The Director of Town and Country Planning,
Department of Town and Country Planning,
807, Anna Salai,
Chennai.
- 5.The Joint Director,
Department of Town and Country Planning,
Tirunelveli Zone,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to process the application dated 4.12.2018 for up-gradation of School recognition to that of Matriculation School without insisting upon approval from the Directorate of Town and Country Planning (DTCP) Department in the light of the law settled by this Honourable Court in KAVIYAN SCHOOL CASE reported in 2015(2)LW 601. (Prayer amended as per order of this Court made in W.M.P(MD)No.6305 of 2021 in W.P(MD)No.7990 of 2021, dated 22.4.2021)

For Petitioner

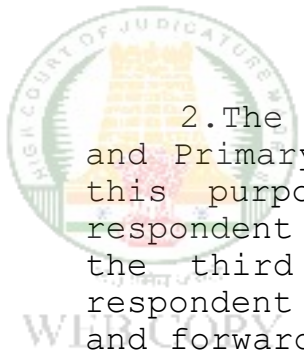
: Mr.S.Chellapandian

For Respondents

: Mr.J.Gunaseelan Muthiah
Addl.Govt. Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents to process the application made by the Petitioner, dated 14.12.2018 for the up-gradation of the school without insisting for the approval from the Directorate of Town and Country Planning (DTCP).



2.The case of the Petitioner is that they are running a Nursery and Primary School and wanted to upgrade into a middle school. For this purpose, an application was submitted before the third respondent on 14.12.2018. The further case of the Petitioner is that the third respondent had forwarded the same to the second respondent and the second respondent in-turn, had made his report and forwarded to the first respondent. The first respondent through proceedings, dated 25.6.2019 pointed out certain deficiencies and one of the deficiency that was pointed out is that the Petitioner will have to obtain approval of the DTCP.

3.According to the Petitioner, the Petitioner had rectified all other deficiencies and what remains is only the approval of the DTCP. It is stated that the Petitioner was already granted building approval by the Arinayagipuram Village Panchayat through proceedings, dated 12.8.2017.

4.The Petitioner has filed this Writ Petition for a direction to the first respondent to consider the application made by the Petitioner without insisting for the DTCP approval and to process the application based on the approval granted by the concerned Village Panchayat.

5.Heard Mr.S.Chellapandian, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing on behalf of the respondents.

6.The learned counsel for the Petitioner in order to substantiate his submission relied upon the judgment of this Court in the case of ***Kaviyan School .vs. The Director of Matriculation Schools, Chennai - 6 reported in 2015-2-LW 601***.The learned counsel further relied upon the subsequent order passed by this Court in ***W.P. (MD)No.14891 of 2020 and batch, dated 23.11.2020***, wherein, the earlier judgment was relied upon. The learned counsel by placing reliance upon these orders, submitted that this Court has consistently taken a stand that the respondents cannot insist for the building plan approval from the DTCP and it is enough if the permission had been obtained from the authorities concerned.

7.The facts of the present case is also squarely covered by the orders cited by the learned counsel for the Petitioner.

8.In view of the above, there shall be a direction to the first respondent to consider the application made by the Petitioner seeking for up-gradation without insisting for DTCP approval and consider the same based on the planning approval granted by the concerned authority and also satisfy himself as to whether the Petitioner has complied with all the other requirements. The first respondent shall take a decision on the application made by the Petitioner within a period of eight weeks from the date of receipt of a copy of this order.



9.This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

vsn

To

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+1 CC to M/s.SPL GP (SR-17324[F] dated 23/04/2021)

Order made in

W.P. (MD) .No.7990 of 2021

Dated:22.04.2021

GS (21.05.2021) 3P 7C