



W.P.(MD).No.14689 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14689 of 2013 and
M.P.(MD)No.1 of 2013

The President,
Krishnamal Ramasubbaiyer Matriculation
Higher Secondary School,
TVR Nagar, Aruppukottai Road,
Madurai – 625 022.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of Housing and Urban Development,
Fort.St.George, Chennai – 600 009.
- 2.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort.St.George, Chennai – 600 009.
- 3.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
- 4.The Member Secretary,
Madurai Local Planning Authority,
Madurai.



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5. The Panchayat President,
Eliyarpathi Panchayat,
Eliyarpathi, Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 3rd respondents herein forthwith to consider and pass orders on the petitioner's representation, dated 24.05.2011, together with the reminder thereto, dated 16.04.2012, with respect to grant of Plan Approval to the proposed construction of 3rd Floor over and above the existing Ground + 2nd floor in the petitioner's school.

For Petitioner : Mr.K.Ragatheeshkumar
for M/s.Isaac Mohanlal

For R1 to R4 : Mr.N.Muthuvijayan
Special Government Pleader

For R5 : No appearance

ORDER

The present petition has been filed seeking Mandamus directing the respondents 1 to 3 to consider the request of the petitioner, dated 24.05.2011, and to grant planning approval to the proposed construction of the third floor over and above the existing ground floor and second floor in the petitioner's School.



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2. According to the learned Counsel for the petitioner, the said application presented by them was returned by the fourth respondent herein on the ground that beyond two floors they do not have any powers to entertain such application. However, the learned Counsel for the petitioner now submits that Tamil Nadu Combined Development and Building Rules, 2019, has come into force. Based upon the said Rule, the petitioner School has filed an online application before the fourth respondent herein on 29.03.2021. Under Section 49 of the Town and Country Planning Act, the said application has also been acknowledged by the fourth respondent herein. For more than one year, so far no orders had been passed by the fourth respondent herein. Hence, the he prayed that the fourth respondent may be the directed to consider the said application and pass orders.

3. Though the original prayer in the writ petition was seeking a direction as against first and third respondents, in view of the subsequent legal developments, the petitioner seeks a direction as against the fourth respondent herein.



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4.I have perused the affidavit and the online application filed by the petitioner herein on 29.03.2021. Admittedly, new Rules namely, Tamil Nadu Combined Development and Building Rules have been passed in the year 2019. The petitioner has also made an application on 29.03.2021. In view of the above said facts, the fourth respondent is directed to dispose of the said application within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above said direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2022

Index : Yes / No
Internet : Yes / No

Tmg



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To

WEB COPY

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Housing and Urban Development,
Fort.St.George, Chennai – 600 009.
- 2.The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
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R.VIJAYAKUMAR ,J.

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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.

Order made in
W.P.(MD).No.14689 of 2013

19.07.2022