



W.P.(MD).No.7797 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.7797 of 2016
and W.M.P(MD).Nos.6450 to 6452 of 2016

Sri Ponnaiyah Ramajayathammal Education
and Charitable Trust,
Rep.by its Managing Trustee,
Prof.P.Murugesan,
PRIST University Campus, Vallam,
Thanjavur District.

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Anna Salai,
Chennai.

2.The Member Secretary,
Kumbakonam Local Planning Authority,
No.93/8, Kamarajar Salai, Bishop Complex,
Kumbakonam-612 001,
Thanjavur.

3.The President,
Asoor Village Panchayat,
Kumbakonam Taluk,
Thanjavur District.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the second respondent in his proceedings dated 27.07.2015 under Section 56(2A) of the Town and Country Planning Act, 1971, in respect of this College building bearing R.S.Nos.99/2, 100/1B, 1C, 1D of Asur Village, Kumbakonam Local Planning Area, Thanjavur District and quash the same and consequently, direct the respondents to remove the lock and seal of the petitioner's premises.

For Petitioner : Mr.Mahesh Raja

For Respondent : Mr.P.T.Thiraviyam
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned notice issued by the second respondent under Section 56(2A) of the Tamil Nadu Town and Country Planning Act, 1971, vide proceedings, dated 27.07.2015, in and by which, the petitioner College was locked and sealed.



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2. The petitioner is an Educational Institution and has obtained building plan approval from an incompetent Authority. Therefore, the second respondent, vide proceedings, dated 11.11.2014, has issued a show cause notice directing the petitioner to submit the building plan approval. However, the petitioner has not responded to the said show cause notice and therefore, the second respondent, vide impugned proceedings, dated 27.07.2015, has issued a notice to lock and seal the petitioner's premises. Challenging the same, the present Writ Petition has been filed.

3. From the records, it reveals that this Court, while entertaining the present writ petition, has granted an order of interim stay on 21.04.2016. This Writ Petition is pending for the past seven years without any progress. After obtaining the interim order, the petitioner has not taken any steps to obtain the building plan approval. Considering the necessity of building plan approval from the Competent Authority for running an Educational Institution and the fact that the petitioner has not taken any steps so far to obtain the building plan approval, this Court is



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not inclined to entertain this writ petition.

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4. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to file appropriate application for obtaining building plan approval from the Competent Authority. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.10.2023

Index: Yes/No
Internet: Yes/No
ssb

To

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B.PUGALENDHI, J.

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