



W.P.No.4619 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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and W.M.P.Nos.18915 to 18917 of 2019 and 5227 of 2019

Ambattur Industrial Estate Manufacturer
Association, Rep. by its President, L.Venugopal,
ATC Road, Ambattur Industrial Estate,
Chennai 600 058.

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary, Department of
School Education, Fort. St. George,
Chennai 600 009.
2. The Chief Educational Officer,
Chennai District, Panagal Building,
1st Floor, Saidapet, Chennai 600 015.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai, No.1,
Gandhi Irwin Road, Egmore, Chennai 600 008.
4. The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.



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5. The Chairman/Managing Director,
TANSIDCO, Guindy Industrial Estate,
Chennai 600 032.
6. The Estate Manager,
TANSIDCO Industrial Estate,
Ambattur, Chennai 600 058.
7. The Chairman,
Chennai Auto Ancillary Industrial
Infrastructure Upgradation Company,
SIDCO, Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
8. The Director,
M/s.Century Wood Limited, Temple Towers,
3rd Floor, 672/476, Anna Salai, Nandanam,
Chennai 600 035.
9. The Principal Officer,
The Indian Public School, Ambattur,
No.1A/4, 2nd Street, Vanchi Nagar,
Sidco Industrial Estate, Ambattur,
Chennai 600 053 and also at
No.50/51, First Main Road,
Perungudi Industrial Estate, Perungudi,
Chennai 600 096.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents 1 to 7 from granting any permission/consent/N.O.C. to the 8th and 9th respondents to construct / Run any school or educational institution at Plot No.1A/4 and 1A/5 on the Ambattur Industrial



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Estate to an extent of 2.09 Acres, Ambattur, Chennai -600 053 and consequently direct the 3rd to 7th respondents to take strict action against the 8th and 9th respondents for putting up an educational institution in the industrial zone without any proper permission and approval from the competent Authorities.

For the Petitioner : Mr.Thomas T.Jacob

For the Respondents : Mr.A.Edwin Prabakar
State Govt. Pleader
for RR 1 and 2
: Mr.C.Manoharan for R-3
: Mrs.P.T.Ramadevi for R-4
: Mr.S.Karthikei Balan
for RR 5 and 6
: No appearance for R-7
: Mr.V.Suresh for R-8
: Mr.Satish Parasaran
Senior Counsel
for Mr.K.M.D.Mukilan for R-9

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Heard, Mr.Thomas T.Jacob, learned counsel for the petitioner,
Mr.A.Edwin Prabhakar, learned State Government Pleader for
respondents 1 and 2, Mr.C.Manoharan, learned counsel for



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respondent No.3, Mrs.P.T.Ramadevi, learned counsel for respondent No.4, Mr.S.Karthikei Balan, learned counsel for respondents 5 and 6, Mr.V.Suresh, learned counsel for respondent No.8 and Mr.Satish Parasaran, learned senior counsel for the respondent No.9. None appears for respondent No.7.

2. This writ petition is filed seeking issuance of a writ of mandamus forbearing respondents 1 to 7 from granting any permission/consent/N.O.C. to respondents 8 and 9 to construct/run any school or educational institution at Plot No.1A/4 and 1A/5 in the Ambattur Industrial Estate to an extent of 2.09 Acres, Ambattur, Chennai - 600 053 and to consequently direct respondents 3 to 7 to take strict action against respondents 8 and 9 for putting up an educational institution in the industrial zone without proper permission and approval from the competent Authorities.

3. The gravamen of the challenge made in this writ petition is qua the construction of an educational institution by the 9th respondent in an industrial plot within the Ambattur industrial area. According to the petitioner-association, such construction made by



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the 9th respondent is causing disruption of the sanctity and homogeneity of the industrial zone within the Ambattur SIDCO industrial area and there is high possibility of the children studying in such institution being put to risk due to work environment within the industrial area.

4. According to the petitioner, the classification of the area still remains as “industrial zone” and, therefore, the 9th respondent cannot seek permissions for (i) conversion of zone from the CMDA; (ii) building stability from PWD; (iii) fire safety certificate from the Fire Department; (iv) Sanitary Certification from the Corporation. The 5th respondent has sent a notice to respondents 8 and 9 to stop the further construction and despite that, the school building has come up.

5. Per contra, Mr.Satish Parasaran, learned Senior Counsel appearing for the contesting respondent, namely, the 9th respondent school, reiterating the averments made in their counter-affidavit, would submit that the present petition ought to be dismissed *in limine* in view of the fact that the petitioner-association by itself is



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operating a play school in the middle of the industrial estate and nearly 70 children are being present there everyday. Furthermore, there is a Government Corporation school located within the industrial estate and residential houses are also located and, therefore, the allegation that the said area is inherently hazardous to children is *ex facie* erroneous and untenable.

6. Learned Senior Counsel for the 9th respondent further submitted that an application has been made by the 8th respondent as early as 18.12.2018 to the third respondent for reclassification of "industrial zone" into one of "institutional" and the same is pending consideration. As per the Tamil Nadu Combined Development and Building Rules, 2019, an institution can be set up in an "industrial use zone" in terms of Rule 33 and Annexure XVIII (Zoning Regulation). He added that the 9th respondent has obtained necessary permissions/ consents from the departments concerned of the Government and has made a self-declaration application dated 30.01.2019 to the Director of School Education for grant of recognition of the 9th respondent school. It is submitted that a number of safety measures have already been taken by the 9th



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respondent for the safety of the children. It is also stated that there are various other buildings/establishments within the industrial estate and therefore, the present petition has been filed with the sole intention of harassing respondents 8 and 9 and, hence, the same be dismissed.

7. Pursuant to an order of this Court dated 12.03.2024, a status report has been filed by respondents 5 to 7 indicating the total acreage of the industrial area with its dimensions and the number of residential apartments, hotels, restaurants, schools, medical centres, etc. that exist within the industrial area. It is stated in the report that there is a school maintained by the Greater Chennai Corporation and it is functioning in the said place even prior to the formation of TANSIDCO in the year 1962 and the 9th respondent school is the only school functioning within the Industrial Estate.

8. The enquiry report dated 5.6.2024 filed by the District Educational Officer, Egmore, Chennai, states that the 9th respondent school obtained building license; building stability certificate; land certificate; sanitary certificate and fire certificate, but has not



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obtained No Objection Certificate and Certificate of Recognition from the School Education Department. In this regard, a show cause notice has also been issued to the 9th respondent on 10.5.2024.

9. On the basis of the aforesaid pleadings of the respective parties, it is luculent that the 9th respondent is running a school called "*The Indian Public School*" in the industrial area without obtaining No Objection Certificate and Certificate of Recognition from the School Education Department. However, Mr.Satish Parasaran, learned Senior Counsel appearing for the 9th respondent, submits that the Tamil Nadu Combined Development and Building Rules, 2019 provides for establishing a school in an industrial area and the 9th respondent school has also made an application seeking permission, which is said to be pending consideration before the competent authorities.

10. In view of the submissions made by the learned counsel for the respective parties, we pass the following order:

"The competent authorities are directed to consider the application of the 9th respondent for grant of recognition



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and for issuance of No Objection Certificate, including the pending applications, if any, after affording sufficient opportunity to all the parties concerned and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The parties are at liberty to place before the concerned authorities the documents and other materials in support of their grievances"

With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D., ACJ.) (M.S.Q., J.)
05.07.2024

Index : Yes/No
NC : Yes/No

sra

To

1. The Secretary to Government of Tamil Nadu,
Department of School Education, Fort. St. George,
Chennai 600 009.



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2. The Chief Educational Officer,
Chennai District, Panagal Building,
1st Floor, Saidapet, Chennai 600 015.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai, No.1,
Gandhi Irwin Road, Egmore, Chennai 600 008.

THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(sra)

4. The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.
5. The Chairman/Managing Director,
TANSIDCO, Guindy Industrial Estate,
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6. The Estate Manager,
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