



WEB COPY



W.P. No. 6306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6306 of 2024

and

W.M.P. No. 7011 of 2024

All India Private Educational Institutions Association,
Represented by its State General Secretary,
K.Palaniyappan,
No.5, M.P.Avenue,
Majestic Colony,
Saligramam, Chennai - 600093.

... Petitioner

-VS-

1. The Principal Secretary,
Housing and Urban Development (UDA (3)) Department,
Fort St. George,
Chennai - 600009.
2. The Director of Town and Country Planning,
2nd, 3rd and 4th floor, C&E Market Road,
Koyambedu, Chennai - 600107.
3. The Director of Private Schools,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to permit the members of the Petitioner's Association to apply for building approval either by way of physical application or online portal based



W.P. No. 6306 of 2024

on the Petitioner's representation dated 25.01.2024, so as to enable the members of Petitioner's association to seek for extension of recognition/upgradation for running the school before the Third Respondent, in compliance of order passed by this Hon'ble Court in W.P. No. 24909 of 2022 and others dated 28.10.2022.

For Petitioner : Mr. K.M.Vijayan, Senior Counsel
for K.M.Vijayan Associates

For Respondents : Mr. V.Ravi
Special Government Pleader

ORDER

Heard Mr. K.M.Vijayan, Learned Senior Counsel for K.M.Vijayan Associates for the Petitioner and Mr. V.Ravi, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First and Second Respondents to permit the members of the Association of the Petitioner to apply for building approval either by way of physical application or online portal based on the representation dated 25.01.2024 made by the Petitioner so as to enable the members of Association of the Petitioner to seek for extension of recognition/upgradation for running school before the Third Respondent in



W.P. No. 6306 of 2024

compliance of order dated 28.10.2022 in W.P. No. 24909 of 2022 passed by this Court.

3. When it is pointed out that the Petitioner, which is an Association, cannot file a Writ Petition seeking relief espousing the cause of its individual members and does not affect any legal right of that Association as held by the Hon'ble Supreme Court of India in *Mahinder Kumar Gupta -vs- Union of India* [(1995) 1 SCC 85], Learned Senior Counsel appearing for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the concerned individual members of the Association of the Petitioner to work out their remedies before the proper forum in the manner recognized by law, and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

08.03.2024

Index: Yes/No
NCC: Yes/No



W.P. No. 6306 of 2024

Note: Issue order copy by 23.04.2024.

pal/Gsa



W.P. No. 6306 of 2024

To

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W.P. No. 6306 of 2024

P.D. AUDIKESAVALU, J.

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W.P. No. 6306 of 2024

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