



W.P.No.8369 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.8369 of 2019
and
W.M.P.No.8910 of 2019

Dr.M.Shanmugam

... Petitioner

Vs.

- 1.Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600 009.
- 2.The Collector,
Vellore District,
Vellore.
- 3.The Commissioner,
Vellore Corporation,
Infantry Road,
Vellore- 632 001.
- 4.The Director of Matriculation Schools,
Directorate of School Education,
No.17, College Road,
Chennai.



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5.The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.

6.The Management,
Santhi Nikethan Matriculation Higher Secondary School,
Plot No.273, 274 & 275,
14th Cross Street, Phase I,
Tamil Nadu Housing Board,
Sathuvachari,
Vellore-632 009.

7.Shanthi Thirunavukkarasu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the construction put up by the 6th and 7th respondent in Plot Nos.273, 274 & 275 in the 14th Cross Street, Plot No.281 in the 15th Cross Street and Plot No.270 in the 6th Cross Street, Phase I, Tamil Nadu Housing Board, Sathuvachari, Vellore 632 009 as illegal and consequently, direct the respondent no.1 to 4 to remove the illegal construction put up by the 6th and 7th respondent in the plot nos.273, 274 & 275 in the 4th cross street, plot no.281 in the 15th cross street and plot no.270 in the 6th Cross street, Phase I, Tamil Nadu Housing Board, Sathuvachari, Vellore 632 009 and further restrain the 6th and 7th respondent from putting up any construction or running the School under the name and style “Santhi Nikethan Matriculation Higher Secondary School” or under any other name.



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For Petitioner : Mr.Balan Haridas
For R1, R2, R4 & R5 : Mr.A.Selvendran
Special Government Pleader
For R3 : Mrs.P.Shanthi
For R6 & R7 : Mr.M.M.Javadh

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of declaration has been instituted to declare the construction put up by the 6th and 7th respondent in Plot Nos.273, 274 & 275 in the 14th Cross Street, Plot No.281 in the 15th Cross Street and Plot No.270 in the 6th Cross Street, Phase I, Tamil Nadu Housing Board, Sathuvachari, Vellore 632 009 as illegal and consequently, direct the respondents 1 to 4 to remove the illegal construction put up by the 6th and 7th respondent and further restrain the 6th and 7th respondent from putting up any construction or running the School under the name and style “Santhi Nikethan Matriculation Higher Secondary School” or under any other name.



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2. Mr.Balan Haridas, learned Counsel for the petitioner would submit that the respondents 7 and 8 have put up commercial establishments in the residential area without obtaining permission from the competent Authorities. The permission was granted for residential houses. The respondents 6 and 7 converted and constructed commercial establishments, which is causing nuisance to the residents of that locality. Thus, complaint has been submitted. Since no action was taken, the present writ petition came to be filed.

3. It is needless to state that the building plan approval as granted by the competent Authorities are to be followed scrupulously. Conversion of residential house as commercial establishments is impermissible without the permission of the competent Authorities under the provisions of the Statutes.

4. In the present case, learned Counsel for the petitioner states that no such permission was granted under the provisions of the Town and Country Planning Act. Therefore, the commercial establishments are unauthorized and to be removed.



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5. With reference to the submission, we direct respondents 3 and 5 to verify the layout approval and the building plan approval granted in favour of the respondents 6 and 7 and initiate all appropriate actions under the provisions of the Town and Country Planning Act if any violations are identified and by following the procedures as contemplated under the Statutes and Rules in force. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
12.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. Government of Tamil Nadu,
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Chennai – 600 009.



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