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W.P.No.21948 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.21948 of 2023

M/s K.P.P. Educational Trust
represented by its Secretary, Mr.P.Arun Pandian
No.50, Salem Main Road
Kallakurichi 606 202

.. Petitioner

v.

1. Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor
E and C Market Road
Koyambedu, Chennai 600 107

2. Assistant Director
District Town and Country Planning Office
Kallakurichi District 606 213

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, calling for
records of the impugned notice dated 19.06.2023 bearing number Notice.1
issued by the 2nd respondent and quash the same and directing the 2nd



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respondent from taking any coercive actions against the petitioner Trust.

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For Petitioner :: Mr.N.L.Rajah
Senior Counsel for
Mr.K.R.Arun Shabari

For Respondents :: Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.M.R.Gokulkrishnan
Additional Government Pleader

ORDER

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

This writ petition is filed seeking to quash the impugned notice dated 19.06.2023 issued by the second respondent and to forbear the respondents from taking coercive action against the petitioner Trust.

2. The petitioner is a Trust running several institutions. The petitioner, in order to establish a college of Arts and Science, submitted an application to the first respondent for building plan approval. Stating that the respondents, in response to the application, have sought several documents which are not required under the relevant statute, the petitioner



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filed a writ petition earlier in W.P.No.34415 of 2022. It is the case of petitioner that this Court directed the respondents to grant building plan permit to the petitioner. The petitioner appears to have issued contempt notice and filed a contempt petition alleging wilful disobedience of the earlier order. In the meanwhile, in contemplation of building plan approval as per the direction of Court earlier, the petitioner commenced construction. The second respondent issued a notice dated 19.06.2023 under Rule 5(a) of the Tamil Nadu Town and Country Planning (Removal of Unauthorised Development) Rules, 2022 calling upon the petitioner for removal of the unauthorised development in the property of the petitioner. It is the case of petitioner that the petitioner has only done preparatory and foundation work in contemplation of building plan permission pursuant to the direction of this Court. The petitioner is challenging the impugned notice only on the ground that the respondents have not followed the procedure.

3. Now it is admitted before this Court that the respondents vide communication dated 9.6.2024 have granted permission for the proposed construction of ground plus three floors to the petitioner. In view of the



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subsequent development, the petitioner is entitled to proceed with the construction. Hence, this Court finds that the impugned notice does not survive. Therefore, recording the fact that the petitioner has now been permitted to develop the property in accordance with the building plan permission, the writ petition stands allowed. Consequently, W.M.P.Nos.21298 & 21906 of 2023 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
21.06.2024

ss

To

1. The Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor
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Koyambedu, Chennai 600 107
2. The Assistant Director
District Town and Country Planning Office
Kallakurichi District 606 213



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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