



W.P.No.22444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.22444 of 2024
and
WMP.Nos.24443 of 2024

Sri Nandhanam Educational and Social Welfare Trust,
Represented by its Chairman PMN.Mohan Krishnaa,
Nandhanam Nagar, Molagarampatti, Tirupattur,
Tirupattur District – 635 602.

...Petitioner

Vs.

1. The Director General of Shipping,
9th Floor, Beta Building, iThink Towers,
Kanchurmarg, Mumbai – 400 042, Maharashtra.
2. The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal Administration,
Secretariat, Fort, Chennai – 600 009.
3. The Commissioner,
Tamil Nadu Public Works Department,
Santhome High Road, Chepauk, Chennai – 600 028.
4. The Block Development Officer,
Kandhili Block, Collectorate,
Tirupattur District, Tirupattur – 635 601.



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5. Deputy Director,
Department of Town and Country Planning,
Pachal Road, Asiriyar Nagar, Tirupattur – 635 601. ...Respondents

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to either issue a clarification to their Training Circular 07 of 2018, dated 21.03.2018, with regard to is depth, diving high and safety norms for swimming pools to be constructed by Maritime Training Institutions consequently direct the 2nd respondent to exempting Petitioner Maritime Training Institution from compliance to the Tamil Nadu Urban Local Bodies (Regulation and Monitoring of Swimming Pools) Rules, 2015, by issuing necessary clarification so that it may facilitating construction of swimming pool by the petitioner Institution as per the 1st respondent guideline within the time fixed by this Hon'ble Court.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.B.Rabu Manohar, SCGSC, for R1
: Mr.Yogesh Kannadasan, SGP, for R2 to R5

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to issue a clarification to their Training Circular 07 of 2018, dated 21.03.2018, with regard to depth, diving high and safety norms for swimming pools to be constructed by Maritime Training Institutions and to consequently direct the 2nd respondent to exempt the Petitioner Maritime Training Institution from complying the Tamil Nadu Urban Local Bodies



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(Regulation and Monitoring of Swimming Pools) Rules, 2015, by issuing necessary clarification so that it may facilitate construction of swimming pool by the petitioner Institution as per the 1st respondent guideline.

2. The case of the petitioner is that, the petitioner trust established a Maritime Academy in the name of Sri Nandhanam Maritime, Tirupattur, during the year 2006 with the approval of the 1st respondent, for rendering training service in the presea training domain for facilitating high salary global standard employment opportunities to beneficiary prospective students. While so, in the year 2015, the State Government framed rules fixing the depth of the swimming pool at about five feet. Per contra, the 1st respondent during the year 2018, fixed the depth of the swimming pool about 12 feet. Due to the above said indistinctness with regard to the depth of the swimming pool, the petitioner could not complete the construction. In such circumstances, without considering the time granted for construction of swimming pool till May 2025, sighting the same as a deficiency, the 1st respondent is dragging the petitioner by not granting approval for the MIT. Hence, this writ petition.



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3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 1st respondent to clarify the training circular No.07 of 2018 dated 21.03.2018, with regard to the depth, diving height and safety norms for swimming pools to be constructed by Maritime training institutions, enabling the petitioner to construct swimming pool as per the guidelines.

4. Learned Senior Central Government Standing counsel appearing on behalf of the 1st respondent submitted that, as per state rules, the swimming pool with 5 feet depth is sufficient, whereas, the central rules mandates for 13 feet depth and the International standard has fixed the depth of the swimming pool at 18 feet. Hence, this Court may issue direction to the petitioner trust to construct a swimming pool with 18 feet depth and if such swimming pool is constructed, the petitioner's representation will be considered in the manner known to law.

5. On the above said contentions, heard learned Special Government Pleader appearing for the respondents 2 to 5 and perused the material documents placed on record.



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6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the petitioner to make a fresh representation before the 1st respondent, after constructing a swimming pool with a depth of 18 feet within May 2025. Upon receipt of such representation, the 1st respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of two weeks thereafter, after affording an opportunity of hearing to the petitioner.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

13.08.2024

skt

Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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To:

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M.DHANDAPANI, J.

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