



WEB COPY



W.P.No.26063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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All India Private Educational Institutions Association
Rep. by its State General Secretary
K.Palaniyappan
No.5, M.P.Avenue
Majestic Colony
Saligramam, Chennai 600 093.

.. Petitioner

Vs.

1. The Principal Secretary
Housing and Urban Development (UDA (3) Department
Fort St. George
Chennai 600 009.

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

3. The Director of Private Schools
Directorate of School Education
DPI Campus, College Road
Chennai 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India



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seeking issuance of a writ of Mandamus directing the 1st and 2nd respondent to permit the members of the petitioner's association to apply for building approval either by way of physical application or online portal, so as to enable the members of petitioner's association to seek for extension of recognition/upgradation for running the school before the 3rd 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 the Petitioner : Mr.Vijayan
Senior Counsel
For M/s. K.M.Vijayan
Associates

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate

ORDER

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

The petitioner seeks a direction to the respondents 1 and 2 to permit their members to apply for approval of building either by making an application or through online portal.

2. According to learned Senior Counsel for the petitioner,



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pursuant to the regularisation schemes announced by the Government, when the members of the petitioner association attempted to seek approval of their building through online, the online portal was not accessible and therefore, they could not make an application.

3. Learned Government Advocate submits that the Government, by letter dated 25.06.2024, granted time to apply for regularisation through online from 01.08.2024 to 31.01.2025, for a period of six months, for the educational building constructed and functioning prior to 01.01.2011, at the rate of Rs.7.50 per sq.ft.

4. Learned Senior Counsel submits that the said letter dated 25.06.2024 enables the members to make online application only to the construction made prior to 01.11.2011, the date on which Section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 came into force and not for the construction made after 01.11.2011 and that the said letter has not been issued as per the directions of this Court in W.P.Nos.24909, 24996 and 28525 of



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2022 dated 28.10.2022, wherein, the the institutions and managements are permitted to make an application to the competent authority for approval of the building and to file the proof before the educational authorities for consideration of extension of recognition or approval of the school or educational institutions beyond 31.05.2022.

5. In view of the above, we direct the authority concerned to consider and decide the application of the members of the petitioner association and thereafter, communicate the same to the members of the petitioner association within a period of three weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.28472 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
05.09.2024



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Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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AND
P.B.BALAJI,J.

(kpl)

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