



W.P.No.33383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33383 of 2024
and W.M.P.No.36165 of 2024

V.Sozhan

.. Petitioner

Vs.

1. The Director of Town & Country Planning,
Koyambedu, Chennai-107.

2. The Assistant Director,
Town & Country Planning Department,
Villupuram.

3. The Commissioner,
Villupuram Municipality,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings in Na.Ka.No.1783/ 2023 / TCP-9 dated 5.4.2023 and quash the same and thereby direct the 1st respondent to process the appeal petition dated 24.01.2023 and regularize the school building at No.17-A, Ranganathan Road, Villupuram.



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For Petitioner : Mr. N.Suresh

For Respondents : Mr.N.Naveen Kumar, Govt. Advocate

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking records of the 1st respondent, the Director of Town and Country Planning, Koyambedu, Chennai, in proceedings in Na.Ka.No.1783/2023/TCP-9 dated 05.04.2023, quash the same and direct the 1st respondent to process the appeal petition dated 24.01.2023 and regularise the school building at No.17-A, Ranganathan Road, Villupuram.

2. In the affidavit filed in support of this writ petition, it has been stated that the petitioner is a Correspondent of V.R.P. Higher Secondary School at Villupuram. The school has classes from L.K.G. to Higher Secondary. It was started in the year 1994. It is run by a Society which is registered under the Societies Registration Act. It has a building at No.17A, Ranganathan Road, Villupuram.

3. It is contended that the lands also have been purchased by the



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petitioner in his name and the name of his wife, for putting up the construction of the school building. The construction was started and completed. It had also been stated that the school has been granted recognition, which is being renewed once in every three years. It had been further stated that in the impugned order, the 1st respondent had stated about the order of the High Court in W.P.No.23889 of 2017, wherein a direction had been given by the Division Bench that a final order should not be passed without leave of the Court. But however, a careful reading of the impugned order shows that the order has actually been passed rejecting the appeal of the petitioner herein.

4. With respect to the pendency or otherwise of W.P.No.23889 of 2017 is concerned, a further perusal of the record shows that the said writ petition had been taken up for consideration by the Division Bench along with another writ petition in W.P.No.23119 of 2018. The Division Bench was conscious of the fact that further appeal had been filed before the Hon'ble Supreme Court and therefore, stated that the writ petition could be closed and the parties could agitate the issues raised, after disposal of the



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appeals pending before the Hon'ble Supreme Court.

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5. In view of that particular fact, the impugned order is set aside. The 1st respondent is directed to re-examine the entire issue and must not pass any final orders and await the orders of the Supreme Court and thereafter, pass necessary orders. When passing necessary orders, an opportunity of hearing must be granted to the petitioner herein. The 1st respondent may await disposal of all the appeals pending before the Supreme Court and then take consideration of the same.

6. The writ petition stands disposed of with the above directions. No costs. Consequently, connected writ miscellaneous petition is closed.

14.11.2024

Index:Yes/No

Internet:Yes/No

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To

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C.V.KARTHIKEYAN,J.



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