



W.P.No.18936 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2025

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THE HONOURABLE MRS JUSTICE N. MALA

Writ Petition No.18936 of 2021
and W.M.P.No.20211 of 2021

The Oxford Matriculation School,
Rep. by its,
The correspondent,
Mr.K.Prithivykumar,
Vasanthanagar,
Kuttapalayam Village,
Palayakottai Panchayath,
Nathakadaiyur Post,
Kankeyam Taluk,
Tiruppur District.

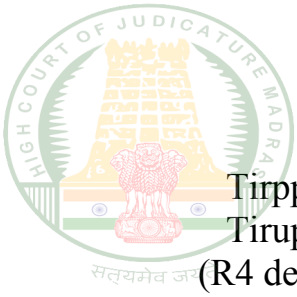
... Petitioner

Vs.

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Thasildar,
Kankeyam Taluk,
Tiruppur District.
- 3.The President,
Palayakottai Village Panchayat,
Palayakottai Pudur,
Kuttapalayam Post,
Kankeyam Taluk,
Tiruppur District – 638 108.

- 4.The District Educational Officer,

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Tiruppur District,
Tiruppur.

(R4 deleted as per order dated 06.02.2025 in WMP.No.22317 of 2021 in
W.P.No.18936 of 2021 by JSNPJ)

5.S.Appukkutti

(R5 impleaded as per order dated 06.02.2025 in WMP.No.23162 of 2021 in
W.P.No.18936 of 2021 by JSNPJ)

... Respondents

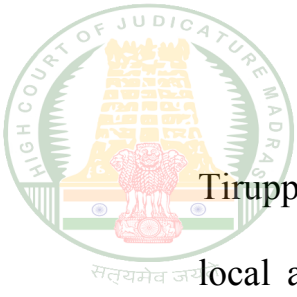
PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Certiorari to call for the records on the file of
the third respondent resolution, dated 07.10.2020 and quash the same.

For Petitioner	:	Mr.R.Prabakar
For Respondents 1, 2 & 4	:	Mr.N.Naveen Kumar, GA
For Respondent 3	:	Mr.U.Bharanidharan
For Respondent 5	:	Mr.R.Nalliyappan

ORDER

The petitioner has filed this petition to call for the records on the file of
the third respondent resolution, dated 07.10.2020 and quash the same.

2. The case of the petitioner is that the Petitioner is the Correspondent
of the Oxford Matriculation School, established by Sri Swamy Vivekananda
Educational Trust in 1989, and currently functioning at Kuttapalayam Village,



Tiruppur District since 2005. The school building was duly approved by the

local authority in the year 2002 and 2003 for the ground and first floors,

respectively, and confirmed as lawful by the third respondent through communications in 2005 and 2010. However, after the local body elections, the new president's son and other RTI activists began instigate complaints against the school under the guise of unauthorized construction. Acting on these complaints, the third respondent issued a resolution dated 07.10.2020 demanding fresh planning approval under the Town and Country Planning Act. The petitioner contends that this resolution is illegal, as the building was lawfully approved by the then competent authorities and predates the applicability of Section 47-A of the Act. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner school started in the year 1999 and the present school building was constructed in the year 2005. Initially, the strength of the students was 500 and now the students' strength is 123. Further, the school building was constructed after getting appropriate approval from the third respondent panchayat.

4. Learned counsel for the petitioner further submitted that the third



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respondent has passed the resolution dated 07.10.2020 without serving any notice or affording an opportunity of personal hearing to the petitioner.

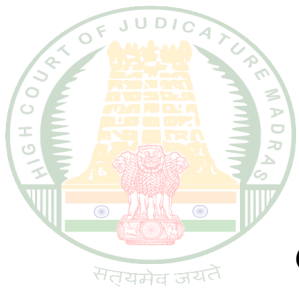
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Hence, he prayed this Court to allow the writ petition.

5. Learned counsel appearing for the third respondent has filed a counter affidavit dated 17.09.2021. For better appreciation, the relevant portion of the same is extracted hereunder:

“11. During the year 2017 i.e., on 25.05.2017, the petitioner herein while seeking License under the Tamil Nadu Public Buildings (Licensing) Act, 1965, from the second respondent herein has given an undertaking in a Notarized Affidavit that they shall obtain permission from the Directorate of Town and Country Planning, Salem for the building. It is submitted that till date no such approval has been obtained by the petitioner. The petitioner, inspite of failure on its part to comply with its undertaking vide Notarized Affidavit, has managed to obtain License under the public building Act and the same is being renewed till date by the second respondent.

12. The validity of granting building approval for school buildings by the Village Panchayat without the consultation of Joint Director or the Deputy Director of Town and Country Planning came up for consideration before the Hon'ble Division bench of this Court in W.P.Nos.17236 of 2013 and 3622 of 2014. The Hon'ble Division bench after careful consideration of the same held that consultation with the Joint Director or the Deputy Director of Town and Country Planning is mandatory



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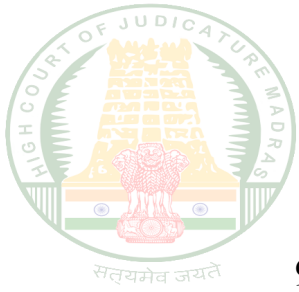
before the grant of building approval.”

6. Learned Government Advocate appearing for the respondents 1, 2 & 4 would submit that the school building license was renewed in the year 2019-2022 and due to the pendency of the present writ petition, it was not renewed further.

7. Learned counsel appearing for the fifth respondent has also filed a counter affidavit dated 22.02.2025. For better appreciation, the relevant portion of the same is extracted hereunder:

“4. The petitioner seems to have constructed a building (ground floor) in an unapproved agricultural land in SF.NO.838/1 (RF.SF.No.107/1), Nathakadaiyur, Muthur Road, Palayakottai Village and Panchayet, Kangeyam Taluk, Thiruppur District for the purpose to run a school. The total extent of the said property is about 0.20.00 acres (i.e., 0.49 acres). In the small extent of property the writ petition constructed a superstructure (ground floor) and managed to get approval subject to the satisfaction of certain condition from the 3rd respondent herein in the year 2002. Later, the petitioner constructed the first floor without following due process and now running the school with total strength of 500 and above students.”

8. Heard the learned counsel on either side and perused the materials available on record.



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9. In view of the above factual matrix of the case, it is clear and evident that the third respondent has passed the resolution dated 07.10.2020 without giving due notice and opportunity of personal hearing to the petitioner, which is in violation of Principles of Natural Justice. Hence, the resolution dated 07.10.2020 passed by the third respondent is liable to be quashed. Accordingly, the same is hereby quashed.

10. In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

18.08.2025

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

1.The District Collector,
Tiruppur District,
Tiruppur.

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2.The Thasildar,
Kankeyam Taluk,
Tiruppur District.

3.The President,
Palayakottai Village Panchayat,
Palayakottai Pudur,
Kuttapalayam Post,
Kankeyam Taluk,
Tiruppur District – 638 108.

N. MALA, J.

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