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W.P.(MD)NO.8582 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8582 of 2019 AND

W.M.P.(MD)Nos.6699 & 6700 of 2019

M.I.E.T. Educational Institutions,
Rep. by its General Secretary and
Correspondent,
Trichy – Pudukkottai Main Road,
Tiruchirappalli – 620 007.

... Petitioner

Vs.

1. The Chief Engineer,
PWD / RC Division, Subramaniyapuram,
Tiruchirappalli – 620 020.
2. The Superintending Engineer,
PWD / RC Division, Subramaniyapuram,
Tiruchirappalli – 620 020.
3. The Executive Engineer,
NKHLC Section 1, Public Works Department,
R.C.Division, Court Campus,
Tiruchirappalli – 620 001.
4. The Assistant Director,
Directorate of Town and Country Planning,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli – 620 023.

5. R.Thirumurugan

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records of the third respondent made in proceedings in Ka. No.673M/2018/Ko.26B dated 25.10.2018 granting No Objection to make use of the bund / bank of the canal as approach road to go to the proposed house sites in S.No.129 and quash the same.

For Petitioner : Mr.M.Palani
For R-1 to R-4 : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.S.R.A.Ramachandran,
Additional Government Pleader.

For R-5 : Mr.A.N.Ramanathan,
for Mr.Suresh.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the No Objection Certificate given by the Superintending Engineer, WRD, Trichy to the Planning Authority vide impugned letter dated 25.10.2018.



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3. The stand of the petitioner is that through the land comprised in the subject survey numbers, the petitioner's students have been accessing the petitioner's educational institutions. For this concession, the petitioner has been paying track rent from 1992 onwards.

4. It is not in dispute that the subject land belongs to the Government. Hence, it is not open to the petitioner to challenge the NOC given by the department, particularly when according to the department, the subject land is being used as a road by the public. But there is considerable force in the contention of the petitioner's counsel that when the department is collecting track rent from the petitioner, it is not open to the department to issue NOC to the private respondent.

5. Even while sustaining the impugned NOC, we declare that the petitioner's liability to pay track rent ceases with effect from 25.10.2018. If any track rent has been paid subsequent to the said date, it shall be refunded forthwith and without any delay. This writ



petition stands disposed of accordingly. No costs. Consequently,
connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
20th March 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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