



W.P.(MD).No.15768 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15768 of 2024

and

W.M.P.(MD)Nos.13734 and 13735 of 2024

M/s.Amala College of Arts And
Science For Women,
Rep. by its Secretary,
Sister. F. Maria Chellamani CIC,
Akilandapuram Village,
Kovilpatti Taluk,
Thoothukudi District.

... Petitioner

-vs-

1.The Secretary to the Government of Tamilnadu,
Housing and Urban Development Department,
Fort St. George,
Chennai 9.

2.The Deputy Director,
The District Town and Country Planning Office,
Thoothukudi,
Thoothukudi District.

3.The Director Government of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai 09.

... Respondents



W.P.(MD).No.15768 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned Government order as passed by the 1st respondent as made in (3D) No. 22 dated 07.06.2024 and subsequently quash the same as illegal and erroneous and consequently direct the respondents No. 1 and 2 to issue building plan approval to the petitioner's institution namely Amala College of Arts and Science for Women at Akilandapuram Village, Kayathar Taluk, Thoothukudi District forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.C.Venkateshkumar

Spl. Govt. Pleader

ORDER

This writ petition has been filed challenging the impugned Government order as passed by the 1st respondent as made in G.O.(3D)No.22, Housing and Urban Development Department, dated 07.06.2024, thereby rejected the petitioner's appeal seeking for building plan approval stating that there are two crusher units nearby the petitioner college, with a consequential direction to the respondents 1 and 2 to issue building plan approval to the petitioner's institution, namely Amala College of Arts and Science for Women situated at Akilandapuram Village, Kayathar Taluk, Thoothukudi District forthwith.



W.P.(MD).No.15768 of 2024

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2. The learned counsel appearing for the petitioner submits that the construction of the petitioner college commenced from the year 2013 and in the year 2015, the petitioner sought building plan permission for the said building before the concerned authority, which was rejected by the empowered committee citing the reason that there are two quarries nearby the petitioner college. He further submits that the neighbouring quarry site is not functioning, which has also been evidenced from the letter of the Tahsildar concerned and the second respondent has also confirmed that there has been no quarry operation in the nearby area of the petitioner's college. The Tamilnadu Pollution Control Board has also issued no objection for the petitioner building and also issued a certificate with regard to normal air and noise pollution to the petitioner college. However, the impugned order came to be passed by the first respondent.

3. The learned Special Government Pleader appearing for the respondents, rely upon the counter affidavit filed by the Assistant Director of Town and Country Planning Office, Thoothukudi, and also submits that without challenging the order passed by the second respondent dated 01.09.2020, now the petitioner is challenging the order passed by the first respondent. He further submits that the petitioner, aggrieved by the original



W.P.(MD).No.15768 of 2024

WEB COPY

order, has a statutory revisional remedy available under Section 80 of the Town and Country Planning Act 1990 and that the only remedy available to the petitioner is to approach the Director of Town and Country Planning, if aggrieved by the original order. Without approaching the said authority, the petitioner has straightaway approached this Court under Article 226 of the Constitution of India.

4. This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer a revision as prescribed under Section 80 of the Town and Country Planning Act 1990, if aggrieved by the original order.

5. For the foregoing reasons, the petitioner is directed to prefer a revision as against the original order before the Director of Town and Country Planning, as per Section 80 of the Town and Country Planning Act 1990, within a period of two months from the date of receipt of a copy of this order. On receipt of the same, the Director of Town and Country Planning, Directorate of Town & Country Planning (DTCP), Tamilnadu, as per Section 80 of the Town and Country Planning Act 1990, shall dispose of the revision, within a period of four weeks thereafter. It is also made clear that this Court



W.P.(MD).No.15768 of 2024

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has not expressed any of its views with regard to the merits of the matter and that it is open to the Director of Town and Country Planning to consider the same on its own merits.

6. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

- 1.The Secretary to the Government of Tamilnadu,
Housing and Urban Development Department,
Fort St. George,Chennai 9.
- 2.The Deputy Director,
The District Town and Country Planning Office,
Thoothukudi,Thoothukudi District.
- 3.The Director Government of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai 09.

COPY TO:-

1. The Director of Town and Country Planning,
Directorate of Town & Country Planning (DTCP),
Tamilnadu.



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W.P.(MD).No.15768 of 2024

VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.15768 of 2024

Dated:
18.03.2025