

GAHC010009422021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/508/2021

INAMUL HASSAN
REPRESENTED BY HAM-AK COLLEGE OF ARCHITECTURE, A DEPTT. OF
HACPDMS, SHILLONGONI, DHING ROAD, NAGAON, ASSAM, PIN 782002

VERSUS

THE COUNCIL OF ARCHITECTURE (COA) AND 2 ORS.
(AN AUTONOMOUS STATUTORY BODY OF GOVT. OF INDIA),
REPRESENTED BY ITS REGISTRAR SECY., INDIA HABITAT CENTRE, CORE
6A, 1ST FLOOR, LODHI ROAD, NEW DELHI 110003

2:MINISTRY OF HUMAN RESOURCE DEVELOPMENT

REPRESENTED BY DEPUTY SECY.
DEPTT. OF HIGHER EDUCATION GOVT. OF INDIA
TECHNICAL EDUCATION BUREAU
SHASTI BHAWAN
NEW DELHI 110115

3:THE PRESIDENT

COUNCIL OF ARCHITECTURE (AN AUTONOMOUS STATUTORY BODY OF
GOVT. OF INDIA UNDER THE ARCHITECTS ACT 1972) COUNCIL OF
ARCHITECTURE
INDIA HABITAT CENTRE
CORE6A
1ST FLOOR
LODHI ROAD
NEW DELHI 11000

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

09.03.2023

Heard Mr. K A Mazumdar, learned counsel for the petitioner and Mr. P Mahanta, learned counsel appearing for the Council of Architecture (COA), respondent Nos. 1 & 3. Also heard Mr. H Gupta, learned CGC for the respondent No. 2.

To establish an Architecture Academic Institute, namely, HAM-AK College of Architecture at Shillongoni, Dhing Road, District–Nagaon, the authorities of HAM-AK Rural Development Foundation, under which said HAM-AK College of Architecture have been constituted, on 31.01.2020 applied before the Council of Architecture (COA) to start 5 years full time Bachelor of Architecture course from the session 2020-21 and accordingly submitted all the relevant documents in the prescribed format before the COA.

The authorities of HAM-AK College of Architecture also deposited an amount of Rs. 5,00,000/- with the COA on 27.01.2020 towards proper evaluation of the said Architecture Academic Institute by the authorities of Council of Architecture.

After such evaluation, the authorities of COA in its academic side vide communication dated 24.08.2020 (through E-mail) informed the Chairman/President of the HAM-AK Rural Development Foundation that with regard to the consideration of the application for opening of HAM-AK College of Architecture from the academic session 2020-21, an amount of Rs. 25,00,000/- should be deposited as interest free security deposit out of which the amount of Rs. 20,00,000/- shall be returned to the institution after a period of 10 years without interest, which shall be subject to satisfactory compliance of the norms of the council.

By the said communication dated 24.08.2021, the respondents in the COA informed the Chairman/President of the HAM-AK Rural Development Foundation to

arrange for depositing an amount of 25,00,000/- in favour of the Council payable at New Delhi to enable the Council to take further action in the matter regarding approval to open 5 years full time Bachelor of Architecture course from the session 2020-21.

Being aggrieved with the said letter dated 24.08.2020 of the respondents in the COA, the Secretary of the HAM-AK Rural Development Foundation has filed this writ petition on 19.01.2021.

The respondents in the COA, respondent Nos. 1 & 3 as well as the Ministry of Human Resource Development, respondent No. 2 have filed their respective affidavits in the matter.

As noted above, the matter pertains to seeking approval/recognition from COA to start 5 years full time Bachelor of Architecture course in HAM-AK College of Architecture from the academic session 2020-21 and the said academic period 2020-21 is already over since long.

But, the petitioner submitted that as long as the said impugned letter dated 24.08.2020 exists, the HAM-AK College of Architecture will not receive any approval/recognition from COA to start with the 5 years full time Bachelor of Architecture course in it.

On being enquired, Mr. Mazumdar submitted that after the session 2020-21, the said college did not file any application seeking approval/recognition from COA to start Bachelor of Architecture course in it.

From the prayers made by the petitioner in this writ petition, it is seen that the petitioner has prayed for setting aside the said impugned letter dated 24.08.2020 of the COA, but did not challenge the Resolution No. 498 taken by the COA in its 69th meeting held on 13th and 14th April, 2018, on the basis of which the respondent COA directed the petitioner to deposit the said amount of Rs. 25,00,000/-.

Since the prayer of the petitioner is only to the extent of setting aside the said letter dated 24.08.2020 of the COA, as noted above, and also for seeking approval from the COA to open 5 years full time Bachelor of Architecture course from the

session 2020-21, and since the said period is already over, this writ petition being infructuous, stands dismissed.

However, the petitioner is at liberty to approach the appropriate forum for redressal of its grievances, regarding the Resolution No. 498 taken by the COA in its 69th meeting held on 13th and 14th April, 2018, communicated to the petitioner on 24.08.2020, if so advised.

JUDGE

Comparing Assistant