

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.26455 of 2015

&

M.P.Nos.1 & 2 of 2015

Melvisharam Muslim Educational Society
Rep. by its General Secretary - S.Ziauddin Ahmed
Hakeem Nagar, Melvisharam
Vellore District - 632 509

...Petitioner

v.

The Director
Centre for Affiliation of Institutions
Anna University
Chennai - 600 025

...Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records from the respondent vide letter No.333/CAI/AU/2015, dated 16.7.2015 and quash the same directing the respondent to issue temporary affiliation of M M E S Academy of Architecture without insisting to submit the Building Plan Approval from Director, Town and Country Planning, Land Conversion Certificate from Director, Town and Country Planning and the Structural Stability Certificate from Superintending Engineer Public Works Department by the petitioner within the academic year 2015-2016.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.M.Vijayakumar

ORDER

In pursuant to the letter of approval granted by the Council of Architecture dated 30.03.2015 for 5 year full time Bachelor of Architecture with an intake of 40 students for the year 2015-2016, the petitioner sought for affiliation. By the order impugned dated 16.07.2015, the respondent has rejected it on the ground that the documents, such as

- (i) Existing building plan (DTCP Approval);
 - (ii) Land conversion Certificate from the Directorate of Town & Country Planning;
 - (iii) Certificate from PWD Superintendent Engineer for the structural stability of the building
- are not produced.

2. Challenging the impugned order dated 16.07.2015, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner has produced the other documents. The proceedings of the Deputy Director, Town and Country Planning Department, Vellore, dated 10.07.2015 is also produced. Structural Stability Certificate has been obtained from the Public Works Department. An application has been made for the production of approval for the existing building plan (DTCP Approval), which would take some more time. The learned counsel also placed reliance on the order of this court dated 05.12.2013 made in W.P.No.25290 of 2013, wherein, it has been held as follows:-

"11. The first ground relating to failure to obtain building plan appears to be a major one. Since the institution is an existing one and the building was constructed with the local planning approval, reasonable time should be given to obtain planning permission from the Town and Country Planning Department. The AICTE should inspect the institution once again to verify the deficiencies with regard to staff requirement and regarding provision of potable drinking water in the light of the explanation given by the petitioner. The AICTC should record the undertaking from the petitioner regarding payment of salary by cheque."

4. Learned counsel for the respondent submitted that the petitioner has put up the college with the new course in an existing Engineering College. Unless the minimum requirements are furnished,

the request made by the petitioner's college cannot be considered.

5. Admittedly, there is an existing Engineering College viz., Abdul Hakeem College of Engineering & Technology, which has been approved by the respondent. Now, the petitioner seeks to have the Bachelor of Architecture course, for which approval is given by the Council of Architecture with an intake of 40 students. Thus, the existing Engineering College as approved by the AICTE is in existence as on today. Therefore, under those circumstances, the respondent will have to decide as to whether the documents as sought for would be required for a building, which is in existence and used by Engineering College. Similarly, the respondent will have to consider the other documents produced by the petitioner including the document dated 10.07.2015, issued by the Deputy Director, Town and Country Planning. The petitioner shall also produce the Structural Stability Certificate as required by the respondent from the Public Works Department Superintending Engineer with respect to stability of the building, within a period of one week from the date of receipt of a copy of this order.

6. Accordingly, the petitioner is directed to submit a fresh representation to the respondent in this regard and in the light of the discussions made above, enclosing the relevant documents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

Rj

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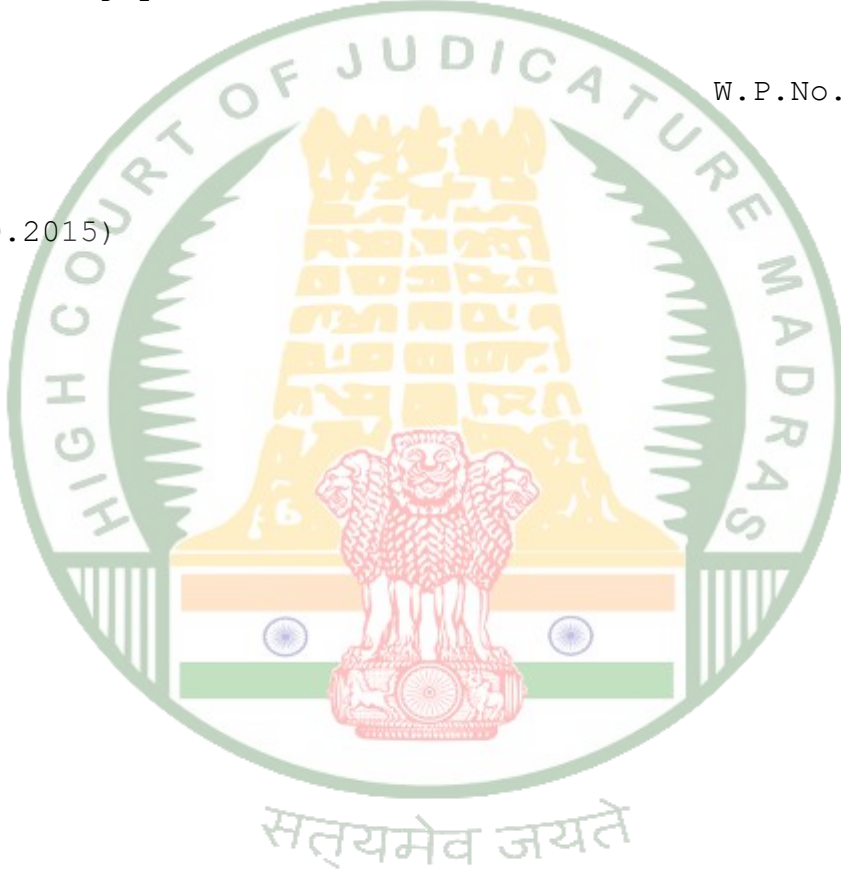
The Director
Centre for Affiliation of Institutions
Anna University
Chennai - 600 025

1 CC to Mr.S.Arivazhagan, Advocate SR.No. 48748

1 CC to Mr.M.Vijayakumar, Advocate SR.No. 48826

VGI (CO)
PSI (10.09.2015)

W.P.No.26455 of 2015 &
M.P.No.1 of 2015



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