

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.14200 of 2015

K.R.Ramaswamy alias Traffic Ramaswamy .. Petitioner

Versus

- 1.The Chief Secretary/Vigilance Officer,
Government of Tamil Nadu
Fort St.George, Chennai 600 009.
- 2.The Secretary,
Housing and Urban Development Department
Fort St.George, Chennai 600009.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai 600 008.
- 4.The Commissioner/Former Member Secretary of CMDA
Chennai Corporation, Chennai 600003.
- 5.The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, C Wing, New Delhi 110 001.
(R.4 and R.5 deleted as per order dated 9.6.2015
by SKKCJ & TSSJ)
- 6.The Secretary,
Medical Council of India,
Pocket -14, Sector -8, Dwarka
Phase-I, New Delhi 110077.
- 7.Sri Muthukumaran Educational Trust,
rep. By its Managing Trustee, A.N.Radhakrishnan
No.641, Ramaswamy Salai, K.K.Nagar, Chennai 600078.

8.The Central Bureau of Investigation

Anti Corruption Branch,
3rd Floor, Shastri Bhavan,
No.26, Haddows Road,

Nungambakkam, Chennai 600 006.

(R.8 impleaded as per order dated 5.11.2015

by CJ and PSNJ)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records in impugned order in G.O.Ms.No.52, Housing and Urban Development (UD-1) department dated 25.03.2015 passed by the 2nd respondent and quash the same and consequently direct the 1st and 5th respondents to take necessary action against the offenders for their misconduct and abuse process of executive powers.

For Petitioner ::: Mr.P.T.Perumal

For Respondents::: Mr.P.H.Arvind Pandian

Additional Advocate General
assisted by

Mr.S.T.S.Murthi

Government Advocate for R.1 and R.2

Mr.K.Raja Srinivas for R.3

Mr.V.P.Raman for R.6

Mr.G.Masilamani

Senior Counsel for R.Mohan for R.7

Mr.N.Srinivasan

Special Government Pleader for R.8

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The additional affidavit of Medical Council of India(MCI) / 6th respondent discloses the steps to be taken by the applicants to ensure the safety and precautions at the time of granting permission to establish the Medical College, to ensure that all necessary permissions have been obtained. In this context, it is stated that by way of a recent amendment dated 16.10.2015 to the establishment of Medical College Regulations, 1999, Medical Council of India has introduced a requirement that the applicant who applies to Medical Council of India for a Medical college should obtain a certificate from the local authorities to the effect that the land measuring the extent prescribed is registered in the name of the applicant and that the building plans have been duly approved. The gazette notification in this behalf is enclosed with the affidavit.

2. A reply affidavit has been filed by the CBI in Court, which has been taken on record. The conclusion inter alia is that the college was not given approval by Medical Council of India for renewal, permitting six batch of students for the academic year 2014 - 2015, as no plan approval for various college buildings from concerned authorities was available, and thus, no students have been admitted for the last two years. On enquiry, a self-contained note was sent to the Medical Council of India, Nursing Council and All India Council for Technical Education to take necessary action against the offending institutes of the same group. A complaint is stated to have been lodged with the CCB, Chennai Police and two cases in Crime Nos.158 and 192 of 2015 were registered and subsequently, the Managing Trustee and his wife along with the Trust Manager have been arrested on 27.05.2015 and remanded to judicial custody. We are informed that subsequently they are enlarged on bail.

3. The aforesaid shows that the authorities are now taking necessary action and would continue to pursue action in accordance with law.

4. Before parting with the matter, we must express our concern at the tendency to flout law by influential persons in society who feel they can get away with everything. Such constructions require investment of material and manpower and though they may be privately owned, the destruction is also a loss to the society at large. One would expect such persons to behave more responsibly to the society as a whole. Breach of law is an exception and not the Rule. In this context, the State Government should also keep this aspect in mind that development regulations are made in a manner where unbridled power is at times sought to be given to regularise whatever may be done and this, in turn, encourages the violators to believe that everything is possible!

5. We thus, close the matter with the aforesaid observations.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary/Vigilance Officer,
Government of Tamil Nadu, Fort St.George, Chennai 600 009.

2.The Secretary, Housing and Urban Development Department
Fort St.George, Chennai 600009.

3.The Member Secretary, Chennai Metropolitan Development
Authority, Gandhi Irwin Road, Egmore, Chennai 600 008.

4.The Secretary, Medical Council of India,
Pocket -14, Sector -8, Dwarka
Phase-I, New Delhi 110077.

5.The Central Bureau of Investigation
Anti Corruption Branch, 3rd Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam, Chennai 600 006.

+1cc to V.P.Raman, Advocate sr.12795

+1cc to Mr.K.Raja Srinivas, Advocate Sr.12368

+1cc to Mr.R.Mohan, Advocate Sr.12244

+1cc to Government Pleader Sr.12605

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