

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15720 of 2016
and W.M.P.No.13650 of 2016

P.D.R.T. Padmavathy Arts & Science College
(Women) run by Madras Education and
Research Integrated Trust (MERIT)
rep. by its Secretary and
Authorised Signatory K.Karthick ... Petitioner

vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Higher Education Department,
Fort St. George, Chennai - 9.
- 2.The Director of Collegiate Education,
College Road, Chennai - 6. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on the application of the petitioner dated 30.9.2015 for grant of permission to open an Unaided Private Arts and Science College (Women) under the name of P.D.R.T. Padmavathy Arts and Science College (Women) at Sekkampatti Village, Mobiripatty Post, Harur Taluk, Dharmapuri District, for the academic year 2016-2017 without insisting on the production of building approval of the Town and Country Planning Authorities.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.P.Karthikeyan,
Govt. Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on their application dated 30.9.2015 for grant of

permission to open an Unaided Private Arts and Science College (Women) under the name of P.D.R.T. Padmavathy Arts and Science College (Women) at Sekkampatti Village, Mobiripatty Post, Harur Taluk, Dharmapuri District, for the academic year 2016-2017 without insisting on the production of building approval of the Town and Country Planning Authorities.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner college has been established by the Madras Education and Research Integrated Trust, which is a registered trust. The petitioner college is situated in Sekkampatti Village, Mobiripatty Panchayat, Harur Taluk, Dharmapuri District, which comes within the jurisdiction of the Mobiripatty Village Panchayat, Mobiripatty. In fact, the petitioner college obtained the building approval from the Mobiripatty Village Panchayat on 27.9.2008 and the buildings have been constructed only in accordance with the approval given by the Mobiripatty Village panchayat. The buildings are in existence from the year 2008.

(b) The petitioner college intended to start an Arts and Science College (Women) for the academic year 2016-17. Therefore, the petitioner college has submitted an application dated 30.9.2015 to the Director of Collegiate Education, Chennai seeking permission. The petitioner has also submitted two applications dated 7.10.2015 and 8.12.2015 to the Director of Collegiate Education, Chennai, requesting to grant Letter of Intent to the petitioner college, pursuant to which, the Director of Collegiate Education, Chennai, by order dated 15.12.2015 has granted Letter of Intent to the petitioner college to commence the college for the academic year 2016-17. However, the second respondent has orally informed the petitioner that unless the petitioner produces the building approval orders from the Deputy Director of Town and Country Planning, Dharmapuri, the respondents would not grant permission to start the college.

(c) As per the decision of the Division Bench of this Court, if the buildings in educational institutions are constructed with the approval of the local body prior to 1.1.2011, there is no necessity to get approval from the Director of Town and Country Planning. The petitioner college buildings were constructed way back in the year 2008 and the same has been constructed only after obtaining the necessary approval from the local body viz., Mobiripatty Village Panchayat and hence, the petitioner college need not get approval from the Director of Town and Country Planning, Dharmapuri. However, the respondents have not considered the application dated 30.9.2015 submitted by the petitioner college. Hence, left with no other alternative, the

petitioner college has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner college, this Court directs the second respondent to consider the application of the petitioner college dated 30.9.2015 seeking permission to open an Unaided Private Arts and Science College (Women) under the name of P.D.R.T. Padmavathy Arts and Science College (Women) at Sekkampatti Village, Mobiripatty Post, Harur Taluk, Dharmapuri District, for the academic year 2016-2017, and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the representative of the petitioner college, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sbi

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 9.

2. The Director of Collegiate Education,
College Road, Chennai - 6.

+ 1 cc to Mr.K.Selvaraj, Advocate SR 26965

+ 1 cc to Govt.Pleader SR 26893

rk(co)

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