

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.02.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6743 of 2016

and

WMP No.6012 of 2016

K.N.Kuppusamy Education Trust,
Rep. by its Founder Chairman .. Petitioner

Versus

1. Director of Town and Country Planning,
4th Floor, Chengalvarayan Building (Opp. to LIC),
807, Anna Salai, Chennai - 600 002.

2. The Assistant Director,
Department of Town and Country Planning,
Perambalur District,
No.132/A3, Periyar Street,
Thuraimangalam, Perambalur.

3. All India Council for Technical Education,
Rep. by Director (Approval),
7th Floor, Chandralok Building,
Janpath, New Delhi - 110 001. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st and 2nd respondent to consider the application for building plan approval dated 27.01.2015 submitted by the petitioner Trust and grant the same.

For Petitioner : Mr.R.Muthukumaraswamy, Sr. Counsel
for Mr.A.Jenasenan

For Respondents : Mr.R.Rajeswaran, (for R1 and R2)
Special Government Pleader
Mrs.A.L.Ganthimathi (for R3)
Standing counsel for AICTE

O R D E R

Heard Mr.R.Muthukumaraswamy, learned Senior Counsel, assisted by Mr.J.Abishek, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, after accepting notice for respondents 1 and 2 and Mrs.A.L.Ganthimathi, learned standing counsel, after accepting notice for the 3rd respondent-AICTE. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner is an educational trust and they have filed this writ petition to direct the respondents 1 and 2 to consider their application for building plan approval submitted on 27.01.2015.

3. It is not in dispute that the said application is now in the office of the 1st respondent as intimated to the petitioner by the 2nd respondent vide proceedings dated 22.01.2016. The petitioner would state that he has complied with all the requirements and also remitted the requisite fees of Rs.6,20,200/- being the building licence fees. However, till date the 1st respondent has not passed any orders and it is more than 1^{1/2} years and there is a stalemate in the matter. The petitioner was constrained to approach this Court, since the 3rd respondent-AICTE, the regulating body has issued a show cause notice to the petitioner on 07.01.2016, calling upon the petitioner to explain as to why action should not be taken as they have failed to submit the DTCP approval.

4. The learned Special Government Pleader submitted that a reasonable time may be granted to the 1st respondent to pass orders on merits and in accordance with law, after verifying all the facts.

5. In the light of the above, there will be a direction to the 1st respondent to consider the petitioner's application dated 27.01.2015, on merits and in accordance with law and orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order. Since action has been threatened by the 3rd respondent on account of non production of the DTCP approval, the petitioner institution is permitted to submit a copy of this order to the AICTE for the purpose of showing that the petitioner has moved this Court for a direction to the 1st respondent to consider their application. However, it is made clear that this liberty is restricted only to the issue relating to non submission of DTCP approval and it does not relate to any other matter, which may be covered in the show cause notice dated 07.01.2016, issued by the the 3rd respondent-AICTE.

6. The writ petition is disposed of accordingly. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

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+1 cc to Mr.A.Jenasenan Advocate sr.11461

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