

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7166 of 2017 and
WMP.No.7792 of 2017

St.Michael's Polytechnic College
rep. by its Secretary Mr.D.S.Mithra,
'Santhosh Gardens', Santhapuram,
Vellanur, Chennai-62. ... Petitioner

Vs

1. Director of Technical Education (FAC),
Directorate of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai-25.
2. Dr.V.Kumar
(Convener, Expert Committee appointed by
Director of Technical Education (FAC)),
Professor of Civil Engineering,
T.P. Government Institute of Technology,
Vellore-632 002.
3. Chennai Metropolitan Development Authority
rep. by its Member-Secretary,
No.8, Gandhi Irwin Road,
Egmore, Chennai-8.
4. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
5. The Collector, Thiruvallur District,
Thiruvallur. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, call for the records in Lr.No.Expert Committee/SMPC Inspection/2017 dated 16.03.2017 of the 2nd respondent, whereby the 2nd respondent appointed by the 1st respondent, has given notice of inspection of Petitioner's College buildings by the Expert Committee on 24.03.2017 FN and to submit their report, when the 3rd respondent has initiated settlement talks on 6.3.2017 with the petitioner.

For Petitioner : Mr.C.Franco Louis

For Respondents : Mr.V.Anandhamurthy, AGP for
R1, 4 and 5
Mr.Raja Srinivas fro R3
Not ready in Notice-R2

ORDER

The Writ Petition is filed by the petitioner-college challenging the Inspection Notice dated 16.03.2017 issued by the Department of Technical Education-Tamil Nadu, to the petitioner college.

2. The 3rd respondent has stated that the petitioner institution is running in an unapproved building and hence, the Government was requested to take necessary action to cancel the recognition already granted to the above institution. The Government had requested the Director of Technical Education to offer their remarks on the above matter. Therefore, in this regard, an inspection had to be carried out by an Expert Committee to enable the Directorate to submit a report to the Government for its recommendation or for the further course of action. Hence, the impugned notice dated 16.03.2017 was issued to the petitioner college intimating the visit of the Expert Committee constituted to inspect the college on 24.03.2017 and file a report. The college was also directed to make available original documents relating to the institution at the time of verification. The said notice of inspection is challenged in this Writ Petition.

3. The learned Counsel for the petitioner also produced additional typed set of papers in which he obtained an information that there was an inspection on 24.03.2017 and the report was not made available to the college.

4. The petitioner college also has asked for the report of the Inspection Committee under the Right to Information Act. The Public Information Officer, in his reply in Letter No.58458/H4/2017/RTI, dated 15.05.2017, has informed that the Inspection Committee Report cannot be given as per Section 8(1)(g) and 8(1)(h) of RTI Act. Admittedly, there is no disturbance to the petitioner college even after the inspection. It is stated by the Counsel for the petitioner that there were certain proceedings initiated under the National Highways Act to acquire the lands of the petitioner college. However, there is no material placed before this Court in that regard.

5. The challenge was only to the impugned notice dated 16.03.2017 to stop the inspection, but, the inspection has already been conducted. Therefore, there is nothing survives in the writ petition. Hence, the same is dismissed as devoid of merits. If at all the petitioner college is aggrieved by any of the Act initiated by any authority to disturb the smooth running of their institution, it is open to them to move appropriate Forum in that regard. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

tsi

To

1. Director of Technical Education (FAC),
Directorate of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai-25.
2. Member-Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-8.
3. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
4. The Collector, Thiruvallur District,
Thiruvallur.

+1cc to Mr.K.Rajasrinivas, Advocate sr.40016

+1cc to Government Pleader sr.40033

+1cc to Mr.C.Francolovis, Advocate sr.39922

W.P.No.7166 of 2017

ss(13/6/2017)