

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-04-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9219 of 2017

Vivekananda Pharmacy College
for Women,Veerachipalayam,
Sankari,Salem District,
Pin- 637 303
Rep. by its Principal
Dr.P.Ashok Kumar

.... Petitioner

-Vs-

1. The Chairman,
Standing Appeal Committee,
All India Council for
Technical Education, (AICTE)
Nelson Mandela Marg,
Vasant Kunj,
New Delhi-110 007

2. The Regional Officer,
All India Council for
Technical Education, (AICTE)
Shastri Bhavan,
Haddows Road,
Chennai-600 006

.... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the appeal filed by the petitioner dated 10.04.2017 (online) and dated 12.04.2017 without insisting on the approved building plan from the Director of Town and Country Planning (DTCP) for the Academic Year 2017-18.

For Petitioner : Mr.K.Sridhar
for M/s.K.Sridhar Associates
For Respondents : Mr.Rabu Manohar

O R D E R

This Writ Petition has been filed seeking for a Mandamus to the first respondent to dispose of the appeal filed by the petitioner dated 10.04.2017 (online) and dated 12.04.2017 without insisting on the approved building plan from the Director of Town and Country Planning (DTCP) for the Academic

2. The case of the petitioner is that the petitioner college applied for recognition before the second respondent for the academic year 2017-2018. The application was scrutinized and the AICTE orally requested for the planning permission from the Director of Town & Country Planning (DTCP). Since the approved plan from the DTCP was not obtained and the same was rejected by the second respondent against which the petitioner has filed an appeal before the first respondent which is still pending and personal hearing was granted on 17.04.2017. The petitioner obtained planning permission from the Panchayat in the year 2007 for starting an Engineering College. The Engineering College was closed from the Academic Year 2015-16. The amendment under the Town & Country Planning Act, 1971 inserting section 47 (a) was made in December 2010 and the demand for DTCP approval was effective from 01.01.2011. This Court in two similar cases has held that the approval from the DTCP should be only prospective from 01.01.2011 onwards and not retrospective. Hence, the petitioner prays for appeal in terms of the earlier orders passed by this Court without insisting on the DTCP approval.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. This Court on 31.08.2016, in a batch of W.P.Nos.20890 & 20891 of 2016, has held that the amendment to Section 47 (A) of the Town & Planning Act, 1971 is prospective and not retrospective and the earlier planning approval given by the Panchayat would hold good since it is a valid planning authority.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side and also in the light of the order dated 31.08.2016, passed by this Court in W.P.Nos.20890 and 20891 of 2016, the first respondent is directed to dispose of the appeal filed by the petitioner, dated 10.04.2017 (online) and dated 12.04.2017 without insisting on the approved building plan from the Director of Town and Country Planning (DTCP) for the academic year 2017-2018, within 4 weeks from the date of receipt of the copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

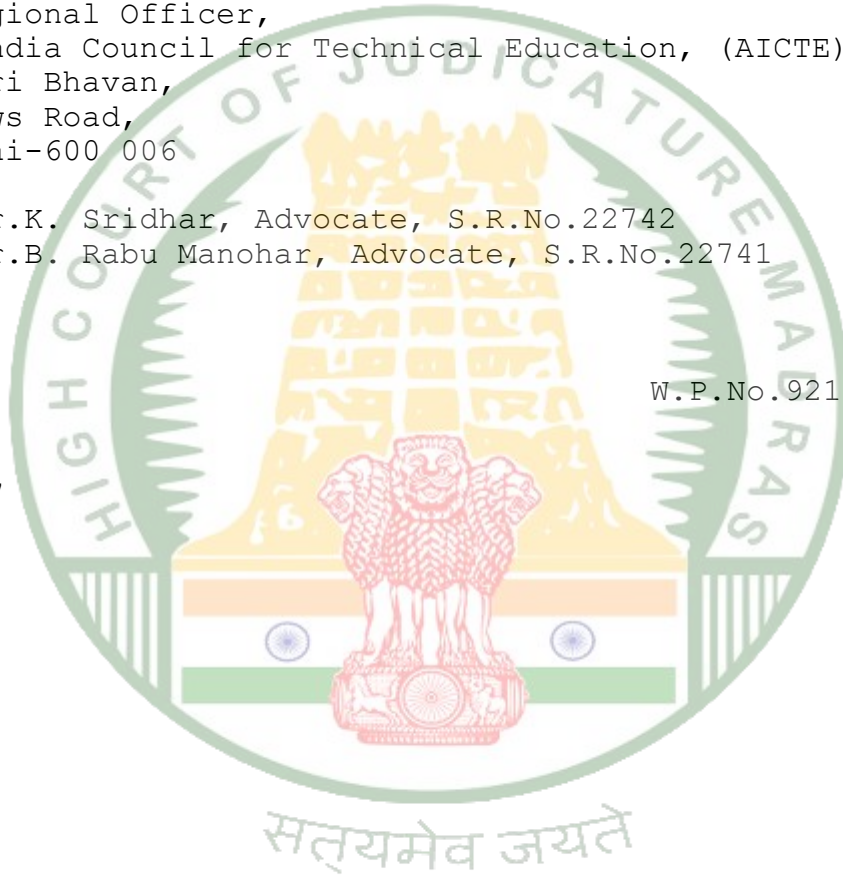
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+1cc to Mr.K. Sridhar, Advocate, S.R.No.22742

+1cc to Mr.B. Rabu Manohar, Advocate, S.R.No.22741

W.P.No.9219 of 2017

KS (CO)
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