

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.1234 and 1235 of 2017
and
C.M.P.Nos.17203 to 17205 of 2017

St.John Sangam Trust
rep.by its Chairman and
Managing Trustee,
Perambalur-621 212,
Perambalur District.

.... Appellant in both the W.As.

-VS-

1.State of Tamil Nadu, rep.by
its Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.

2.The Director of Agriculture,
Chepauk, Chennai-5.

3.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore, Coimbatore District...

Respondents in both the
W.As.

WEB COPY

W.A.No.1234 of 2017 filed under Clause 15 of the Letters
Patent, against the order passed by this Court in W.M.P.No.27133 of
2017 in W.P.No.25724 of 2017 dated 22.09.2017.

W.A.No.1235 of 2017 filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.M.P.No.27134 of 2017 in W.P.No.25724 of 2017 dated 22.09.2017.

For Appellant :: Mr.C.Selvaraju, Sr.Counsel
for M/s.C.S.Associates

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
for R1 and R2

Mr.Abdul Saleem for R3

COMMON JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

These writ appeals have been filed against the interim order passed by this Court dated 22.09.2017 in W.M.P.Nos.27133 and 27134 of 2017 in W.P.No.25724 of 2017, wherein it was observed that it is open to the appellant herein to comply with the requirements as indicated in the proceedings dated 31.08.2017 of the respondent University and report such compliance on or before 25.09.2017 as stipulated in the said communication. It was further directed that if the appellant complies with the requirements on or before 25.09.2017 and report the same to the respondent University, the same shall be considered by the University without any further loss of time and appropriate orders shall be passed without reference to the pendency of the writ petition. A common order has been passed in the stay

petition as well as in the direction petition in W.P.No.25724 of 2017 and hence these two appeals have been filed against the said order.

2.The facts of the case are that the appellant Trust has been registered under the Indian Trust Act and the Trust has been formed for promoting Christianity and to impart education not only to the people of Christian religion but also for the people of other religions. It is a minority Trust. The appellant Trust is managing several educational institutions. The appellant Trust started a Diploma course in Agriculture in the Agricultural College run by them in the year 1992 and at that time they thought it fit to start the degree, ie., B.Sc.(Agriculture) in the same college. In respect of Diploma course, the Government of Tamil Nadu had insisted for separate land to be allotted, ie., 45 acres. The appellant identified the land for 80 acres and negotiation is going on for purchasing the same from the Kumbakonam Diocese. The appellant also informed the same to the respondent-University and requested to give permission to continue the Diploma Course in Agriculture for the academic year 2017-2018 with an intake of 82. But, the respondent University passed an order on 24.08.2017 withholding the admission for the said diploma course for the academic year 2017-2018. With this background, the appellant approached this Court by filing a writ petition in W.P.No.25724 of 2017. This Court passed an order on 22.09.2017 as stated supra.

Challenging the same, the present writ appeals have been filed.

3. When these writ appeals came up before this Court on 27.09.2017, this Court passed an interim order permitting to include the college, ie., Thanthai Roever Institute of Agriculture and Rural Development, in the counselling for the academic year 2017-2018, but it was ordered that no admission shall be made. It was also ordered that the students who have participated in the counselling and opted for joining in the above said college run by the appellant Trust, shall be informed about the pendency of the writ petition and the writ appeals and that they would be considered only for counselling and not for admission.

4. The learned senior counsel for the appellant Trust has mainly contended that the appellant Trust has to be given reasonable time for complying with the condition imposed by the respondent University in respect of providing land for the Diploma Course, since they are negotiating with the seller and hence the order passed by the learned single Judge fixing the time limit for complying with the condition is arbitrary and the same is liable to be set aside.

5.We have heard the learned Special Government Pleader appearing for the respondents 1 and 2 and also the learned counsel for the third respondent, on the submissions made by the learned counsel for the appellant.

6.In the order passed in W.M.P.Nos.27133 and 27134 of 2017 in W.P.No.25724 of 2017 dated 22.09.2017, this Court only observed that it is open to the appellant herein to comply with the requirements as indicated in the proceedings dated 31.08.2017 of the respondent University and report such compliance on or before 25.09.2017 as stipulated in the said communication. It was further directed that if the appellant complies with the requirements on or before 25.09.2017 and report the same to the respondent University, the same shall be considered by the University without any further loss of time and appropriate orders shall be passed without reference to the pendency of the writ petition.

7.Now these writ appeals have been filed against the said interim order. The reason stated by the appellant is that correspondences are being exchanged between the appellant-Trust and Kumbakonam Diocese with regard to purchase of land for conducting Diploma Course in Agriculture and hence the total land required has not been acquired as of now, by the appellant Trust. In

the writ appeals, the previous Bench had passed an interim order permitting to include the college, ie., Thanthai Roever Institute of Agriculture and Rural Development, in the counselling for the academic year 2017-2018, but it was ordered that no admission shall be made. It was also ordered that the students who have participated in the counselling and opted for joining in the above said college run by the appellant Trust, shall be informed about the pendency of the writ petition and the writ appeals and that they would be considered only for counselling and not for admission.

8. Thus, it is seen that the land as directed by the University, ie., 45 acres, has not been acquired by the appellant-Trust. Further, only an interim order has been passed by the learned single Judge to comply with the requirement of the University within a stipulated time frame. The appellant has to place all the relevant materials before the learned single Judge in support of his contentions and also explain the facts and circumstances of the case, and if the same is done, appropriate final order would be passed in the writ petition in accordance with law. Without doing so, the appellant has come up with the present appeals, which we feel is premature and hence not maintainable.

9.Hence, the writ appeals are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed. The appellant shall work out his remedy in W.P.No.25724 of 2017 by placing relevant material particulars.

Index : Yes/No
Internet : Yes/No

(H.G.R.,J.) (T.K.R.,J.)
04.10.2017

KM

Note to the Registry:

Registry is directed to post W.P.No.25724 of 2017 before the concerned Court on 13.10.2017.

To

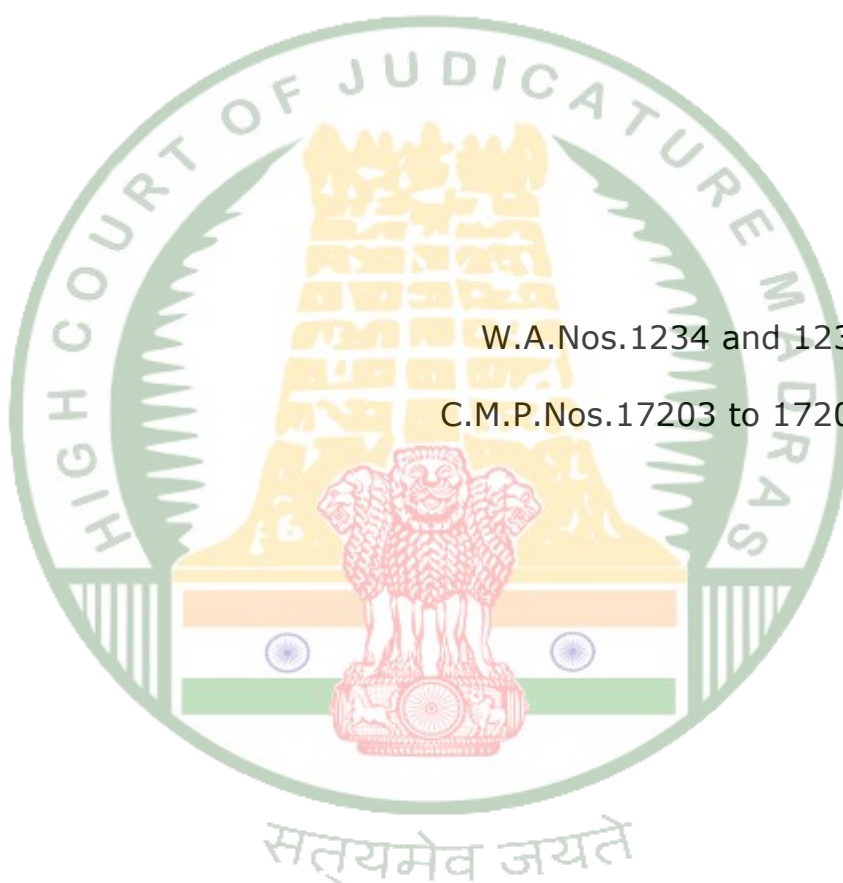
- 1.The Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
Secretariat, Chennai-600 009.
- 2.The Director of Agriculture,
Chepauk, Chennai-5.
- 3.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore, Coimbatore District.

WEB COPY

HULUVADI G.RAMESH, J.

AND
RMT.TEEKAA RAMAN, J.

KM



W.A.Nos.1234 and 1235 of 2017
and
C.M.P.Nos.17203 to 17205 of 2017

WEB COPY

04.10.2017