

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.21516 of 2017

and

WMP No.22503 of 2017

M/s. SSM College of Pharmacy
Rep. by its Chairman
Chinnampalayam
Jambai 638 312, Bhavani Taluk
Erode District.

... Petitioner

Vs.

1. The Tamil Nadu Dr.M.G.R. Medical University
No.69, Mount Road, Anna Salai,
Guindy, Chennai-600 032.
Rep. by its Registrar

2. The Pharmacy Council of India
Combined Council's Building
Kotla Road, Aiwan-E-Ghalib Marg,
New Delhi - 110 002.

.... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating of the 1st respondent herein in Rc.No.Affln.(V)/48293/2014 dated 22.05.2017 and quash the same and consequently, direct the 1st respondent herein to grant provisional affiliation to the petitioner for the academic year 2016-2017 for Pharm D course pursuant to the approval granted by the Pharmacy Council of India without insisting for DTCP approval for the building.

For Petitioner: Mr.V.G.Sureshkumar

For Respondents: Mr.D.Ravichandar

standing counsel for R1

Mr.M.T.Arunan

standing counsel for R2

O R D E R

The petitioner institution is aggrieved against the order passed by the first respondent dated 22.05.2017 wherein and whereby the petitioner was called upon to send the DTCP approval

to grant provisional affiliation for the academic year 2016-2017 without admission of the candidates in Pharm.D degree course since the cut off date has already been over. Consequently, they also seek for a direction to the first respondent to grant provisional affiliation to the petitioner for the academic year 2016-2017 for Pharm.D degree course.

2. Mr.V.G.Sureshkumar, learned counsel for the petitioner submitted that the mandatory requirement of producing the DTCP approval is not applicable to the petitioner institution, since the building in possession was already put up in the year 2009 itself with the approval granted by the Local Town Panchayat and therefore, the application of Section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 inserted with effect from 01.01.2011, does not arise. In support of his contention, the learned counsel for the petitioner relied on a decision of this Court made in WP.Nos.20890 & 20891 of 2016 dated 31.08.2016.

3. On the other hand, the learned counsel for the first respondent University submitted that even though the mandatory requirement of producing the DTCP approval in respect of the buildings put up much earlier to the introduction of Section 47-A, as the petitioner has not produced any document to show that these buildings are put up much earlier to the amendment and with regard to the grant of approval by the local authorities, the first respondent University cannot be found fault with in issuing the present communication. He further submitted that in any event, as the academic year 2016-2017 is over and the presently, academic year 2017-2018 is in progress, nothing survives in this writ petition to be adjudicated upon further.

4. The learned counsel for the petitioner submitted that when a fresh application is made by the petitioner in respect of future academic year, the same reason should not be cited by the first respondent University while considering those application, in view of the above said decision made by this Court in identical matters.

5. It is not in dispute that the impugned order pertains to the academic year 2016-2017 and such academic year is already over by this time. It is also not in dispute that the petitioner has not admitted any student in the academic year 2016-2017. Therefore, nothing survives in this writ petition to be adjudicated upon further, except to state that, while considering the petitioner's application for future academic year, the first respondent University shall consider the claim of the petitioner based on the supportive documents that the building has been put up much earlier to the amendment made in the Tamil Nadu Town Panchayat Act, 1971 by insertion of the Section 47-A and by applying the decision made in WP Nos.20890 & 20891 of 2016 dated 31.08.2016, in respect of grant of

affiliation for future academic year, provided all other requirements are satisfied.

6. With these observation, this writ petition is disposed of, as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Registrar
Tamil Nadu Dr.M.G.R. Medical University
No.69, Mount Road, Anna Salai,
Guindy, Chennai-600 032.

2.The Pharmacy Council of India
Combined Council's Building
Kotla Road, Aiwan-E-Ghalib Marg,
New Delhi - 110 002.

+ 1 cc to Mr.V.G.Sureshkumar, Advocate,SR.70282

+ 1 cc to Mr.M.T.Arunan, Advocate,SR.70071

W.P.No.21516 of 2017

RSY(CO)
NR 27/09/2017

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