

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5382 of 2018

M/s.Doveton Oakley Nursery and Primary School,
Rep. by its Authorized Signatory,
Mr.M.A.Azeez,
No.12, Patnool Sardar Street,
Periamet, Chennai-600 003.

.. Petitioner

Vs.

The District Collector,
Office of the Collector of Chennai,
No.32, Ma.Singaravelar Maligai,
Rajaji Salai,
Chennai-600 001.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to renew the petitioner's licence for the Academic Years from 2018 to 2021 for a period of three years from 04.06.2018 to 03.06.2021 considering the petitioner's representation dated 07.02.2018 without insisting for the sanctioned plan to the petitioner's building which is in existence for more than 100 years.

For petitioner : Ms.Karthikaa Ashok

For respondents : Mrs.V.Annalakshmi, Govt. Advocate

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to renew the petitioner's licence for the Academic Years from 2018 to 2021 for a period of three years from 04.06.2018 to 03.06.2021 considering the petitioner's representation dated 07.02.2018 without insisting for the sanctioned plan to the petitioner's building which is in existence for more than 100 years.

2. It is represented by the learned counsel for the petitioner that the building in question where the School is being run, is 100 years old and that none of the enactments with regard to the construction of the building in question for regularisation, will be applicable to them. But however, it is stated that the application for regularisation has been submitted by the petitioner to the CMDA and that the building has been constructed in 1900 and it was purchased by the petitioner in the year 1955, in support of which, they have produced a copy of the sale deed dated 29.01.1955. Learned counsel for the petitioner further submitted that the petitioner has made a representation on 07.02.2018 to the respondent for renewal of the licence to run the School, and prayed that the said representation may be directed to be considered by the respondent and the licence may kindly be accorded to run the School.

3. Learned Government Advocate appearing for the respondent submitted that the building in question is not in accordance with the plan and that it is not safe for the children to attend the classes in the said building. She further contended that the children are studying from Standard I to Standard V and that if there is any calamity/casualty, the children will be put to danger. It is further stated that the respondent is not aware about the regularisation application said to have been sent by the petitioner to the authority concerned and that unless the planning permission is obtained from CMDA and that the same is duly approved by the Corporation of Chennai/authority concerned and the competent authority grants licence for running the School in terms of the Tamil Nadu Public Buildings (Licensing) Act, 1965 and that the various conditions are stipulated for the authority to consider and ensure that those conditions are fulfilled, the relief sought for by the petitioner cannot be granted.

4. As the representation is regarding grant of licence to run the School, this Court directs the respondent to consider the said representation of the petitioner, dated 07.02.2018, for grant of licence for the academic year 2018-2019. The authority has to consider the said representation of the petitioner-School, and the School will have to fulfil the necessary requirements in terms of the various provisions of the relevant enactments. Since the children are in tender age between 5 and 10 years who are studying in the School in question and as the School is running classes from Class I to Class V, definitely, the children will be playful and no one, much less this Court does not want one more Kumbakonam School incident which occurred in 2004. Hence, the petitioner-School shall fulfil the norms as required by the respondent and that the representation of the petitioner, dated 07.02.2018 shall be considered by the respondent at the earliest point of time, as the academic year is going to commence from 04.06.2018 and a decision in that

regard is expected to be taken and communicated to the petitioner by the respondent/authority concerned on or before 01.06.2018, after hearing the petitioner. It is open for the petitioner-School to file necessary documents in support of their contentions before the respondent/authority concerned.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

CS

To

The District Collector,
Office of the Collector of Chennai,
No.32, Ma.Singaravelar Maligai,
Rajaji Salai,
Chennai-600 001.

+1cc to Mr.J.Ashok, Advocate SR.No.26828
+1cc to Government Pleader SR.No.27711

W.P.No.5382 of 2018

AK (CO)
GN (24/04/2018)

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