

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P.No.24703 of 2017

Ranipettai Pharmacy College
rep. by its Secretary
B.Bose

... Petitioner

Vs

- 1.The Pharmacy Council of India,
represented by the Secretary -cum -Registrar,
Combined Council Building,
Temple Lane, Kotla Road,
Aiwan-E-Ghalie Marg,
Post Box No.7020,
New Delhi – 110 002.
- 2.The Regional Officer,
All India Council for Technical Education (AICTE)
Shastri Bhavan,
Haddows Road,
Chennai – 600 006.
- 3.The Tamil Nadu Dr.M.G.R. Medical University,
represented by its Registrar,
69, Anna Salai, Guindy,
Chennai – 600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to process the petitioner's application for approval for the B.Pharm course dated 27.08.2017 and consequently forbear the respondents from insisting

planning permission from the Director of Town & Country Planning (DTCP), Tamil Nadu by accepting the Planning permission granted by the President, Thenkadapanthangal Village Panchayat, Vellore District dated 15.10.2009 for the grant of approval/affiliation for the Academic year 2018-19.

For Petitioner : Mr.K.Sridhar
For R1 : Mr.M.T.Arunan
For R2 : Mr.B.Rabu Manohar
For R3 : Mr.P.R.Gopinathan

ORDER

The petitioner has come up with the present writ petition for a Mandamus, directing the first respondent to process their application dated 27.08.2017 seeking approval for B.Pharm course and consequently forbearing the respondents from insisting planning permission from the Director of Town & Country Planning (DTCP), Tamil Nadu by accepting the Planning permission granted by the President, Thenkadapanthangal Village Panchayat, Vellore District dated 15.10.2009 for the grant of approval/affiliation for the Academic year 2018-19.

WEB COPY

2.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that the issue involved herein, with regard to process the application for approval, without insisting

the planning permission from the Director of Town and Country Planning (DTCP), is covered by the **order dated 19.01.2018 passed in W.P.Nos.682 & 683 of 2018 [Periyanayaki Amman Matriculation School and another v. the Director of Matriculation Schools, Chennai and others]**, wherein, this Court had disposed of the said writ petitions, in the following terms:

"10. It is trite in law that the Executive Authority under the Tamil Nadu Panchayats Buildings Rules, 1997, is the Village President, who is competent to grant approval for construction. Apart from disputed facts, what is required is only a consultation with the concerned Joint Director or Deputy Director of Town and Country Planning, in which the petitioners schools have no role to play, since it is an internal arrangement between the Panchayat President and the Joint Director or Deputy Director of Town and Country Planning.

11. Admittedly, no action has been initiated against the said Panchayat Presidents, on account of their competency under the Rules to grant such approvals. That apart, the petitioners are Matriculation schools, being run within the Neelikonampalayam and Vellanaipatti Districts and G.O.(Ms) No. 270 School Education (X2) Department dated 22.10.2012 does not insist upon the building

plan to be approved by the Joint Director or Deputy Director of Town and Country Planning. Since the Executive Authority, namely, Panchayat Presidents have approved the building the plans, the act of the petitioners cannot be faulted with in any manner, more particularly, it cannot be said that it is against the provisions of law.

12. Further, the petitioners have fulfilled all the requirements and the only issue raised by the respondents that prior approval of the Joint Director or Deputy Director of Town and Country Planning is mandatory, cannot be accepted, in view of the Rules envisaged in Tamil Nadu Panchayats Buildings Rules, 1997.

13. In view of the above and following the decisions referred to supra, the impugned communications, dated 18.07.2017 and 24.10.2017, issued by the first respondent, are set aside and the matters are remitted back to the first respondent and the petitioners are directed to file their representations, seeking upgradation of school to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent, after getting clarification from the concerned Panchayats or from the Town and Country Planning Authorities,

whether building plan approval has been granted to the petitioners school, as required under law, shall inform about the status to the petitioners school by a letter, within a period of two weeks thereafter and the petitioners school shall comply with the same within a period of four weeks thereafter. In case the respondents find any violation in the construction of the school buildings, the same can be brought to the notice of the petitioners, either to modify or change the structure / superstructure of the school buildings.

14. On receipt of the reply, the first respondent shall consider the petitioners' representation seeking to upgrade the schools to Higher Secondary Level and pass appropriate orders in line with the order of this Court in the case of Director of Matriculation Schools, Directorate of Matriculation Schools, DPI Campus, Chennai - 600 005 v. Kaviyan School rep. by its Correspondent C.Deenathayalapandian, Indira Nagar, Malayakoundanpatti, Ammayanaickanur, Nilakottai, Dindigul District reported in 2015-5-L.W.101, as expeditiously as possible.

15. The Writ Petitions are allowed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed."

Therefore, the learned counsel sought for similar order in this writ petition as well, for which, the learned counsel for the respective respondents have no serious objection.

3. Having regard to the submissions so made by the learned counsel for the parties and also taking note of the fact that the petitioner college has already obtained planning permission from the President, Thenkadapanthangal Village Panchayat, Vellore District, this Court is inclined to dispose of this writ petition in line with the aforesaid order.

4. Accordingly, this writ petition is disposed of, directing the first respondent to process the application dated 27.08.2017 submitted by the petitioner, seeking approval/affiliation for the B.Pharm course during the Academic Year 2018-19, after getting clarification from the concerned Panchayats or from the Town and Country Planning Authorities, with regard to the planning permission already obtained by the petitioner and pass appropriate orders, in line with the order of this Court in **Director of Matriculation Schools, Directorate of Matriculation Schools, DPI Campus, Chennai -5 v. Kaviyan School rep. by its Correspondent C.Deenathayalapandian,**

[2015-5-LW.101], within a period of four weeks from the date of receipt of a copy of this order. No costs.

27.02.2018

rk

Index: Yes/No

To

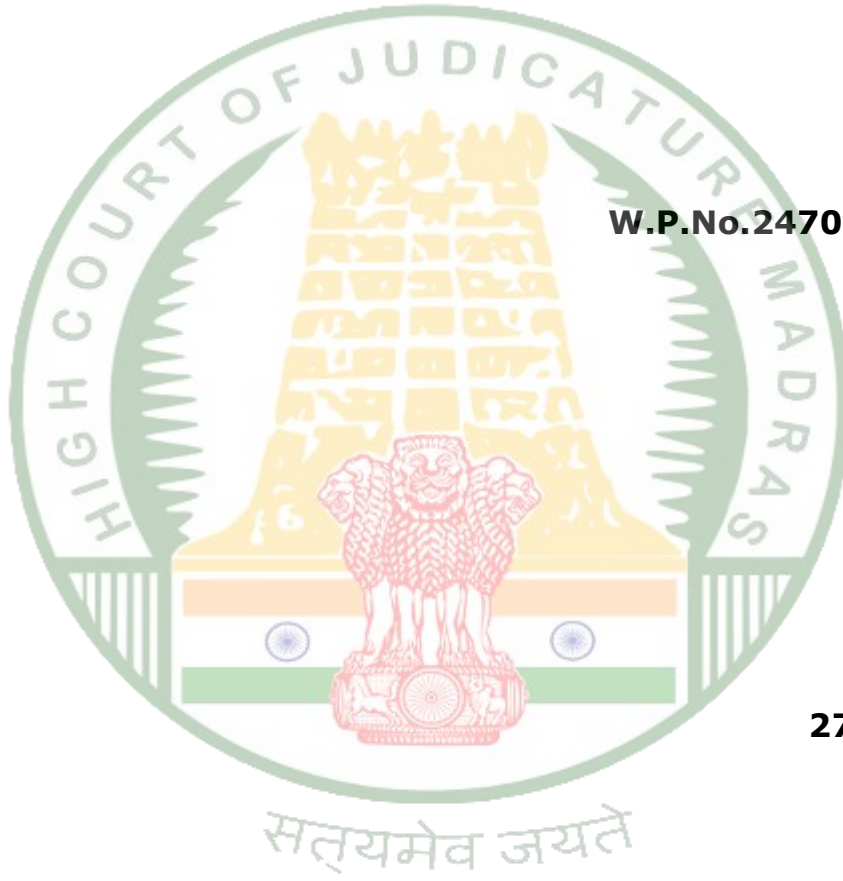
- 1.The Pharmacy Council of India,
represented by the Secretary -cum -Registrar,
Combined Council Building,
Temple Lane, Kotla Road,
Aiwan-E-Ghalie Marg,
Post Box No.7020,
New Delhi – 110 002.
- 2.The Regional Officer,
All India Council for Technical Education (AICTE)
Shastri Bhavan,
Haddows Road,
Chennai – 600 006.
- 3.The Tamil Nadu Dr.M.G.R. Medical University,
represented by its Registrar,
69, Anna Salai, Guindy,
Chennai – 600 032.

सत्यमेव जयते

WEB COPY

R.MAHADEVAN, J.

rk



W.P.No.24703 of 2017

27.02.2018

WEB COPY