

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.22816 of 2018
and
W.M.P.No.26666 of 2018

Madesh ... Petitioner

vs.

- 1.The Secretary,
The Government of Tamilnadu
Law Department,
Secretariats, Chennai.
- 2.The Director of Legal Studies,
Purasaivakkam High Road,
Keelpakkam, Chennai.
- 3.The District Collector,
Dharmapuri.
- 4.The District Revenue Officer
Dharmapuri.
- 5.The Executive Engineer (Buildings)
Public Work Department,
Dharmapuri.
- 6.The Vice Chancellor,
Dr.Ambedkar law University,
Poompozhihagam,
Greenways Road, Chennai.
- 7.The Principal
Government Law College,
Dharmapuri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents not to construct the law college and hostels in S.No.199 and 200/1 at Paisuhalli Village,

Karimangalam Taluk, Dharmapuri District for constructing college, in S.No.214/1 at Boomanda Halli Village, Karimangalam Taluk for Boys Hostel and in S.No.100 at Paisu Halli Village, Karimangalam Taluk for girls Hostel consequently direct the respondents to consider putting up the law college at Thadagam Village, Dharmapuri.

For Petitioner : Mr.D.Magesh

For R1 to R5 : Mr.T.N.Rajagopalan
Government Pleader.

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

The writ petitioner is an Advocate. He has filed the instant writ petition, for a Writ of Mandamus, directing the respondents, not to construct law college and hostels in S.No.199 and 200/1, at Paisuhalli Village, Karimangalam Taluk, Dharmapuri District for constructing college, in S.No.214/1 at Boomanda Halli Village, Karimangalam Taluk for Boys Hostel and in S.No.100 at Paisu Halli Village, Karimangalam Taluk, for girls hostel, consequently, direct the respondents, to consider putting up the law college at Thadagam Village, Dharmapuri.

2. The challenge to the construction of the Law College is on two grounds; First is that land on which the college is proposed to be built is 6.76 acres and it does not satisfy the Tamil Nadu DR.Ambedkar Law University Affiliation and Approval of Law Colleges Revised Regulation 2013. Regulation 4.1.1 and 4.1.2 which read as under:-

"4.1.1. The proposed Law College seeking affiliation shall satisfy the following requirements:

4.1.2. The proposed Law College shall have undisputed ownership and possession of land free from any or all encumbrances measuring not less than 5 acres if it is located in urban areas and 10 acres if it is located in rural areas.

Provided that the Law College has adequate space for indoor and outdoor sports.

Provided further that sufficient land and adequate floor area is exclusively provided to the Law College based on the size of student strength, faculty requirements, infrastructure facilities, library space, indoor and outdoor sports and other requirements in a multi faculty Institution on the land possessed by the Management of a society or Trust or Non-profit organization."

The second ground is that the land is divided into two parts and separated by a 50 feet wide river passing through the middle of the land.

3. Mr.T.N.Rajagopalan, learned Government Pleader, submitted that the condition which has to be seen for granting temporary affiliation, cannot be a ground to stall proposed construction.

4. Heard both sides and perused the materials available on record.

5. Regulation 4.1.1 and 4.1.2 of Tamil Nadu Dr.Ambedkar Law University Affiliation and Approval of Law Colleges Revised Regulation 2013, considered only for at the time of granting affiliation. This cannot be a ground to prohibit construction of the law college. This objection if any, is to be taken by the Tamil Nadu Dr.Ambedkar Law University, while granting temporary affiliation.

6. As far as the second objection is concerned, the material on record discloses that a small channel does run through land, but this cannot said to be a statutory violation, which would necessitate, a writ of mandamus restraining the respondent from constructing a new Law College.

7. There is a shortage of Law Colleges in the State of Tamil Nadu. The Law Colleges is being built to cater the needs of the Dharmapuri District. The Government cannot be restrained from constructing a College, on the ground that the land on which the college is proposed to built is 6.76 acres. It has also not been shown as to the area in which Law Colleges have been constructed in urban area or rural area. If the college is constructed in urban area then it satisfies the eligibility criteria for temporary affiliation.

8. In any event, the Government assuming that the area is a rural area wherein, 10 acres of land is required. The Government can get another 3.4 acres, to get affiliation.

9. At this Juncture, there is no material on record for statutory violation and that Mandamus has to be issued to stop construction.

10. From the above circumstances, there is no merits in the instant writ petition and accordingly writ petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamilnadu
Law Department,
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- 2.The Director of Legal Studies,
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+1cc to M/S.T.Ganesan, Advocate Sr.61667
+1cc to the Government Pleader Sr.61716

W.P.No.22816 of 2018
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srg 10/10/2018