

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1177 OF 2018

IN/AND

WRIT PETITION No.18388 OF 2018

COMMON JUDGMENT (ORAL): (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

The substance of this writ petition and the writ appeal ultimately boils down to the question whether institutions like Nimra Educational Society (Registered No.3663/1991) which is Writ Petitioner No.1 is to be forced to produce certification from the Town and Country Planning Board from time to time to continue with registration and recognition by The All India Council for Technical Education, New Delhi; hereinafter referred to a 'AICTE'; though the said institution came into being, having been so established in Gram Panchayat areas.

2. Hearing the learned counsel for the writ appellant AICTE, which is among the respondents in the writ petition and the learned counsel for the writ petitioners, it is noticed that as of now Writ Petitioner No.1 institution has cleared all objections of AICTE except the direction to produce the due certification regarding the building from the Director of Town and Country Planning. The fact of the matter remains that the materials on record show that the said institution was

established in a Gram Panchayat area and the Gram Panchayat records to that effect are available with it. Obviously, when the said area has metamorphosed to be classified as a town, municipal corporation or a metropolitan area in terms of the Constitution and the Statute Laws, the assessment of its buildings to property tax will be followed in accordance with law that prevails as on the date of such assessment of property tax from year to year. This does not change the basic character of the building having been put up, leading to the establishment of the institution at the time of its establishment in the village area. Therefore, though the AICTE norms and booklet require the applicants to produce year to year clearance of the Director of Town and Country Planning, in law, that clause only requires that the construction and establishment in the area where it stands is duly certified, as would have been done by the local self-government institution at the point of time of such construction and establishment. That cannot be made a recurring phenomenon.

3. With the aforesaid, this Writ Petition and the Writ Appeal are ordered directing that Writ Petitioner No.1 - Nimra Educational Society shall be treated and dealt with in terms of what is declared hereinabove. Accordingly, the students who are pursuing the course for the current year shall be treated to have been admitted in accordance with law and that institution shall be treated as approved by the AICTE for the current year. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Petition and the Writ Appeal are closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

October 31, 2018.
PV

