

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4276 of 2019

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.

1. The District Collector,
Office of the Collector of Chennai,
No.32, Ma.Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.
2. The Revenue Divisional Officer,
Tondiarpet Division,
Tondiarpet,
Chennai - 600 081.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to Renew the Petitioner license for the Academic years from 2018 to 2021 for a period of three years from 04.06.2018 to 03.06.2021 by disposing the petitioners Appeal which is pending before the first respondent considering the petitioner's representation dated 21.12.2018.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.N.Inbanathan

Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to renew the license for the Academic years from 2018 to 2021 for a period of three years

(i.e) from 04.06.2018 to 03.06.2021 by disposing their Appeal, which is pending before the first respondent, by considering their representation dated 21.12.2018.

2. The case of the petitioner is that the school is being run from the year 1962 to till date with due sanction and recognition from the authority concerned. The last license/affiliation was granted by the first respondent for a period of three years, vide his proceedings in K.Dis.V2/1930/114 dated 11.07.2015, which expired on 04.06.2018. Hence, the petitioner has given an application/representation dated 07.02.2018 to the first respondent seeking to renew the license to run the School along with all the relevant documents and the same has been kept pending. When the petitioner's representative approached the respondents' office and enquired about the same, they insisted to obtain the building plan approval for renewal of licence. Hence, the petitioner had also filed a Writ Petition in W.P.No.5382 of 2018 seeking for a direction to renew the license by considering the application dated 07.02.2018 and this Court, vide order dated 11.04.2018, directed the respondents to dispose of the said application of the petitioner within a period of four weeks. Thereafter, the petitioner had applied for regularization of the School Building on 07.06.2018 through on-line and they have also paid the necessary fees as prescribed. Due to the pendency of the writ petition filed by the some third parties, challenging the fee prescribed for regularization, the application filed by the petitioner has been kept pending.

3. While so, the second respondent passed an order on 30.05.2018 vide his proceedings No.A1/3099/2017 stating that the petitioner-School has not submitted the Planning Permission/Approved Building plan from the competent authorities and the same could be considered only after the submission of Planning Permission/Building plan duly approved by the Competent authority. Aggrieved by the same, an Appeal has been preferred by the petitioner before the first respondent on 04.06.2018 seeking to set aside the order dated 30.05.2018 passed by the second respondent, but the same is yet to be disposed of by the first respondent.

4. In the meanwhile, the petitioner had filed another Writ Petition in W.P.No.17861 of 2018 seeking for a direction to the CMDA to dispose of the on-line application dated 07.06.2018 for regularization of the School Building and this Court, on 23.07.2018, directed the respondents not to take any coercive action against the petitioner-School. The petitioner has also given a representation dated 21.12.2018 to the respondents in that regard and the same has also not been considered. Hence, the petitioner is before this Court.

3. Heard Mr.N.Inbanathan, learned Additional Government Pleader on behalf of the respondents.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents to dispose of the appeal filed by the petitioner and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/av

To

1. The District Collector,
Office of the Collector of Chennai,
No.32, Ma.Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.
2. The Revenue Divisional Officer,
Tondiarpet Division,
Tondiarpet,
Chennai - 600 081.

+1cc to M/s.Karthikaa Ashok, Advocate sr.no.13363
+1cc to Government Pleader sr.no.14118

W.P.No.4276 of 2019

nr 20/03/2019