

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6305 of 2019
and
W.M.P.No.7152 of 2019

Ar. Prof. Solomon D Vedamuthu
Former Elected Member of Council of Architecture (2012-2016)
Regd. No. CA/85/9246
162/2, Alwarpet Street,
Alwarpet,
Chennai - 600018.Petitioner

Vs.

1. Union of India,
Represented by Secretary to Government,
Ministry of Human Resources & Development,
Shastri Bhavan, New Delhi.
2. The Registrar,
Council of Architecture,
Indian Habitat Centre,
Core 6A, Lodhi Road,
New Delhi - 110003.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider the petitioner's representation dated 28.01.2019 and notify forthwith the vacancies to the post of President, Vice-President and Executive Committee Members to the Council of Architecture and conduct the elections within a specific time frame as provided under Section 4 and 10 of Architects Act, 1972 and Rules 23, 24 & 25 of Council of Architecture Rules, 1973 as amended by Council of Architecture (Amendment) Rules 2009.

For Petitioner : Mr.K.Sridhar

For Respondents : Mr.Murali Kumar for R1

Mr.B.Rabu Manohar
Central Government Standing Counsel
for R2

O R D E R

Mr.Murali Kumar, learned counsel takes notice for the first respondent and Mr.B.Rabu Manohar, learned Central Government Standing Counsel takes notice for the second respondent. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the first and second respondents to consider his representation dated 28.01.2019 and notify the vacancies to the post of President, Vice-President and Executive Committee Members to the Council of Architecture and conduct the elections within a specific time frame as provided under Sections 4 and 10 of Architects Act, 1972 and Rules 23, 24 & 25 of the Council of Architecture Rules, 1973 as amended by the Council of Architecture (Amendment) Rules 2009.

3. The petitioner claims to be an Architect duly registered with the Council of Architecture, bearing Registration No.CA/85/9246. It is contended that the term of the office bearers elected to the Council of Architecture expired on 29.07.2018 and consequently, the first respondent has to notify the vacancies in the Council of Architecture and conduct an election within the specific time frame as contemplated under the relevant Rules of Council of Architecture Rules 1973 made under Architects Act, 1972. Therefore, the petitioner made a representation on 28.01.2019 to the first respondent for notifying the vacancies and to conduct the elections.

5. The grievance of the petitioner is that the said representation has not been considered by the respondents so far.

6. The learned counsel appearing for the first respondent submitted that the representation made by the petitioner will be considered and appropriate orders will be passed by the first respondent on merits and in accordance with law within the time frame fixed by this Court.

7. Accordingly, this writ petition is disposed of, only by directing the first respondent to consider the representation of the petitioner dated 28.01.2019 and pass orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, provided if there is no legal impediment for the first respondent to consider such application as of now. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. Secretary to Government,
Union of India,
Ministry of Human Resources & Development,
Shastri Bhavan, New Delhi.
2. The Registrar,
Council of Architecture,
Indian Habitat Centre,
Core 6A, Lodhi Road,
New Delhi - 110003.

+1 cc to Mr.B.Rabu Manohar, Advocate, S.R.No.20216

+2 ccs to Mr.K.Sridhar, Addl.CGSC, vide S.R.No.20176

SR(CO)
SSM(20/03/2019).

W.P.No.6305 of 2019

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