



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.14655 of 2019
& W.M.P.Nos.14648 & 14651 of 2019

AVC Education Committee,
Represented by its Secretary,
Mannampandai,
Mayiladuthurai Town,
Nagapattinam District - 609 305,
Tamil Nadu.

... Petitioner

/versus/

1. All India Council for Technical Education,
Rep. by the Project Officer/DD (Approval Bureau),
Nelson Mandela Marg,
Vasant Kunj,
New Delhi - 110 070.
2. The Commissioner of Technical Education,
Office of the Director of Technical Education,
Sardar Patel Road,
Guindy, Chennai - 600 025.
3. The Regional Officer,
Southern Regional Office,
No.26, Haddows Road,
Shastri Bhavan,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records of the 1st respondent passed in F.No.AICTE/AB/SR/PID1-440339361, dated 30.04.2019 and quash the same and consequently direct the 1st respondent to pass orders based on the orders of this Hon'ble Court in W.A.No.294 of 2019, dated 06.02.2019.

For Petitioner : Mr.R.Siva Kumar,
for M/s.K.M.Vijayan Associates
For R1 : Mr.B.Rabu Manohar, SCGSC
For R2 : Mr.V.Kathirvelu,
Special Government Pleader

ORDER

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The petitioner/AVC Education Committee is run by Charitable Trust in the land owned by the Dharmapuram Adheenam. Due to want of renewal of lease, the approval granted to the petitioner/Institute by the 1st respondent/AICTE, New Delhi, to run the Technical Institute was withdrawn by the 1st respondent, by the order dated 30.04.2019, which is subject matter of this Writ Petition.

3. The impugned order of withdrawing permission is primarily based on the order passed by Division Bench of this Court, wherein, the possession of land to an extent of 10 acres owned by Dharmapuram Adheenam was directed to be handed over to the Adheenam by the Petitioner/Institute. Now the Learned Counsel for the petitioner would submit that, the Hon'ble High Court in W.A.No.294 of 2019, in its judgment dated 06.02.2019 passed the following order.

"In respect of the land measuring about 7 acres, in which, the polytechnic college is functioning, the possession shall not be disturbed for a period of three months from the date of receipt of a copy of this judgment to enable the appellant to move the proper Authority under the provisions of the Act for appropriate order."

4. Subsequently the time is extended for another six months vide modification order dated 30.08.2019. The Learned Counsel submitted that six months time is extended being still in force. Therefore, he prays that the respondents herein shall consider the Division Bench order passed by this Court in C.M.P.No.7679 of 2019 in W.P.No.294 of 2019, dated 30.08.2019 and reconsider the withdrawal of permission ordered issued on 30.04.2019.

5. In the counter filed by the 1st respondent, it is stated that the petitioner Trust entered into a sale agreement with Dharmapuram Adheenam without proper approval of HR&CE Department which has lead to the dispute regarding title and possession of the property. The Writ Petition is filed by the petitioner is to regularise the sale agreement, also dismissed and confirmed by Division Bench which is the subject matter of W.A.No.294 of 2019. In the said Writ Appeal, the land to an extent of 7 acres where the Polytechnic building of the

Petitioner/Institute is located alone saved for the period of three months, for the petitioner to get the regularisation.

Having failed to get regularisation, within a period of three months, the order of withdrawal was passed by the 1st respondent/AICTE and it is fully justifiable. Without proper right and title over the property, the Institute cannot be granted permission to function but however, in the light of the extension granted by this Court, same will be considered by the 1st respondent/AICTE and pass appropriate orders.

6. In the light of the above submission of the respondents in view of time extended by the Division Bench in W.A.No.294 of 2019, dated 30.08.2019, the impugned order F.No.AICTE/AB/SR/PID1-440339361, dated 30.04.2019 is hereby quashed, with direction to the 1st respondent herein to reconsider the request of the petitioner in the light of the modification order passed by this Court in C.M.P.No.7679 of 2019 in W.P.No.294 of 2019 dated 30.08.2019 and pass order.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Project Officer/DD (Approval Bureau),
All India Council for Technical Education,
Nelson Mandela Marg, Vasant Kunj, New Delhi - 110 070.
2. The Commissioner of Technical Education,
Office of the Director of Technical Education,
Sardar Patel Road, Guindy, Chennai - 600 025.
3. The Regional Officer,
Southern Regional Office,
No.26, Haddows Road, Shastri Bhavan, Chennai - 600 006.

+1cc to M/s.K.M.Vijayan Associates, SR.No.93833

+1cc to M/s.B.Rabumanohar, Advocate SR.No.93822

+1cc to The Government Pleader SR.No.94113

AKM/16.12.19 /3P-6C/

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