

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16890 of 2020

Salvation Matriculation Higher
Secondary School,
Rep.by its Correspondent.

Petitioner

vs.

The Tahsildhar,
Avadi,
Ambttur Taluk.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to grant the petitioner with Form D Certificate under the provisions of the Tamil Nadu Public Building C Licensing Act, 1996, within a time frame fixed by this Court.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents : Mr.R.S.Selvam, G.A.,

ORDER

Mr. R.S.Selvam, learned Government Advocate takes notice for the respondent.

2.The Writ Petition is filed by the petitioner, to direct the respondent herein to grant the petitioner with Form D certifications under the Provisions of the Tamil Nadu Public Building Licensing Act, 1965.

3.The case of the petitioner is that the petitioner's school is a recognized Matriculation Higher Secondary School, originally granted with recognition in the year 1996. It is the averment of the petitioner that the recognition for the School has been periodically extended and the last said extension is

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dated 02.06.2017. The petitioner sought for extension of Recognition from the Competent Authority under the Matriculation Code and for the purpose of the said extension of recognition, Form A i.e., certificates of structural soundness, Form B statement to accompany the certificate of Structural Soundness, Form C which is issued under Sec (4) of the Tamil Nadu Public Building Licensing Act, 1965 with respect to Structural Soundness and Form D i.e., the certificate issued by the Tahsildar under Section 6 of the Tamil Nadu Public Building Licensing Act, along with school Sanitary Certificate is required to be submitted. According to the petitioner, the petitioner obtained Form A, B, C as well the Form D too, until the year 2017, and the respondent herein had issued the certificate under Form D for the very same building in which the petitioner's school is functioning. In the meanwhile, the Special Commissioner and Commissioner of Revenue Administration has issued proceedings dated 23.04.2005 that there should not be any undue delay in the issuance of the certificate under the Tamil Nadu Public Buildings Licensing Act, and that the outer period of 3 months has been laid down for issuance of such certificates. Therefore, the petitioner applied for the certificate along with necessary particulars and payment on 11.10.2017, however there was no response from the respondent herein and instead certain extraneous demands were made. Finally a letter dated 08.06.2018 was received from the respondent calling for certain particulars and the same was also furnished on 19.06.2018, however, inspite of the same, no order was passed. Therefore the petitioner was constrained to issue a letter dated 29.09.2018 to the respondent and a letter dated 25.07.2018 to the Director of Vigilance and Anti corruption. The grievance of the petitioner is that though the petitioner has submitted all the necessary documents with the application, the respondent has failed to act as per the direction of the Commissioner of Revenue Administration dated 23.04.2005, whereby the outer period of 3 months is mandated to pass order on the application requesting Form D. Hence, the present writ petition.

4. Learned counsel for the petitioner submitted that though the petitioner has been granted Form D license from the year 1996 to 2017 for the very same building and the petitioner submitted his application along with all necessary documents in time, the respondent without granting license, even after receipt of the application and even after submission of the additional particulars by the petitioner and no orders has been passed till date on the application of the petitioner. The respondent has been repeatedly calling for certain documents, though all the documents have been submitted by the petitioner and this attitude of the respondents is wholly arbitrary and

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illegal. Aggrieved against the same, the petitioner made complaint against the respondent before the Director of Vigilance and Anti Corruption. She submitted that due this extraneous delay on the petitioner is not in a position to obtain the recognition from the competent authorities and further submitted that the respondent has failed to discharge the statutory duty cast upon him. Hence, It would suffice, if this Court may issue a direction to the respondent to pass on the petitioner's application dated 11.10.2017 within a reasonable time fixed by this Court.

5. On the above contention, this Court heard the learned Government Advocate appearing for the respondent, who has no serious objection for considering the petitioner's application and submitted that it will be considered in accordance with law, within the period prescribed by this Court.

6. In view of the limited request made by the learned counsel for the petitioner, without expressing any opinion, I am inclined to issue a direction to the respondent to consider the petitioner's application dated 11.10.2017, and pass orders on the same within a period of 12 weeks from the date of receipt of copy of this order, in accordance with law, if otherwise in order.

7. This writ petition is disposed of accordingly. However in the said circumstances, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

The Tahsildhar,
Avadi,
Ambttur Taluk.

+1cc to Mrs.Dakshayani Reddy, Advocate SR.38287
+1cc to the Government Pleader SR.38235

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