

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.32440 of 2019
and
W.M.P.No.32761 of 2019

Annai Fathima Trust
Rep. by Founder and Managing Trustee
Mr.Rani Krishnan
...Petitioner

Vs

- 1.The Revenue Divisional Officer, (RDO)
Revenue Divisional Office (South)
Anna Salai,
Guindy,
Chennai-600 032
- 2.The Tahsildar,
Old Mahabalipuram Road,
TNHB,
Sholinganallur,
Chennai- 600 119
- 3.The District Child Protection Officer,
No.137 KTS Mani Street,
Mamallan Nagar,
Kancheepuram-631 502
... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to issue the D License within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.Shaikh Mehrunisha
For Respondents : Mrs.P.Rajalakshmi
Addl. Govt. Pleader

O R D E R

The Writ Petition has been filed in the nature of Mandamus directing the 1st respondent to issue the D License.

2.The Petitioner/ Annai Fathima Trust which is represented by Mrs. Rani Krishnana, Founder and Managing Trustee is a registered NGO. It is stated that they are engaged in housing about 100 children, both boys (50) and girls (51) all aged between 6 and 17 years. It is stated that the petitioner had fulfilled all requirements like Sanitary Certificate, Fire License, Stability Certificate and D licence. However, D licence came to be expired on 31.02.2019. The petitioner sought for renewal of the D licence before the first respondent/RDO. The respondents have objected to grant D licence since the petitioner constructed the said trust over Aadidraavidar natham land. The petitioner has given several representations seeking D licence but no action has been taken by the respondents on the said representations. Hence, this Petition.

3.Today, Mrs.P.Rajalakshmi learned Additional Government Pleader on behalf of the respondent submitted an order dated 03.12.2019 has been passed by the Revenue Divisional Officer (South), Anna salai, Guindy, Chennai in S.M.No.A1/1445 of 2019 wherein, the said 1st respondent had rejected the grant of D licence for the building of the petitioner herein. It is also stated that the said order is appealable before the District Collector within a period of 45 days from the date of receipt of copy of this order.

4. Mrs.P.Rajalakshmi learned Additional Government Pleader for the respondents also provided proof of service of the order on the petitioner. The same has been acknowledged by the petitioner, and the registered seal of the petitions is also found in the said order. Therefore, the petitioner may if they deem necessary, file an appeal before the District Collector within the period of 45 days from the date of receipt of a copy of the said order.

5. The learned counsel for the petitioner stated that an appeal has not been filed till date. Time is granted for filing an appeal till 31.01.2020. If the appeal is filed after 31.01.2020, the respondents may seek reasons for delay in filing the appeal and consider the same in accordance with the procedure.

6. With the above observations, the Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn

To

- 1.The Revenue Divisional Officer, (RDO)
Revenue Divisional Office (South)
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- +1 cc to M/s.Shaikh Mehrunisha Advocate sr3977
+1 cc to the Government pleader sr4765

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aa20/02/2020

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