

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18814 of 2017
and W.M.P.No.20333 of 2017
(Heard through VC)

Annai Violet Internatinal School
Rep by Correspondent Mr.N.R.Dhandapalan
(Unit of Anna Anadhai Illam)
Redhills Road, Pudur, Ambattur,
Chennai-53

...Petitioner

Vs

- 1 The District Collector
Tiruvallur District, Tiruvallur- 602 001
- 2 District Revenue Officer
Thiruvallur District, Thiruvallur- 602 001
- 3 Thasildar
Ambattur Taluk, Tiruvallur High Road,
Gandhi Nagar, Ambattur, Chennai-53
- 4 Deputy Thasildar
Ambattur Taluk, Tiruvallur High Road,
Gandhi Nagar, Ambattur, Chennai-53

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus calling for the records pertaining to the impugned order vide No.Na.Ka.346/ 2017/ C1 dated 17.03.2017 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to process the application dated 01.02.2017 of the petitioner and renew the Form-D licence to the petitioner school under name and style of Annai violet International school Redhills Road Pudur Ambattur Chennai-600 053.

For Petitioner : Mr.V.Vijay Shankar
for Dr.C.Ravichandan

For Respondents: Mr.V.Shanmugasundar
Special Government Pleader

ORDER

This Writ Petition is heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. The petitioner has sought for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order vide No.Na.Ka.346/ 2017/ C1 dated 17.03.2017 passed by the third respondent and quash the same and consequently for a direction to the third respondent to process the application dated 01.02.2017 of the petitioner and renew the Form-D licence to the petitioner school under the name and style of Annai Violet International School, Redhills Road, Pudur, Ambattur, Chennai-600 053.

3. The petitioner-Annai Violet International School is run by the Anna Anadhai Illam, which is a society registered under the Societies Registration Act. It is stated that the land measuring an extent of 5.00 acres in S.No.122/3 of Oragadam Village was allotted for the purpose of running the Anna Anadhai Illam, vide G.O.Ms.No.3804, Revenue Department, dated 28.06.1973.

4. Subsequently, the second respondent had recommended the assignment of 3.12 acres on 05.12.2002, based on which, patta was also granted on 28.06.1973 in patta No.3778 for 3.12 acres. After obtaining the patta, appropriate planning permission/approval was obtained from CMDA on 11.12.2009 and the building planning permission from the Ambattur Municipality was obtained on 10.12.2010 and the school building was constructed and completed without any violation or deviation. The structural stability certificate was also obtained from Public Works Department (PWD) on 04.02.2013. No Objection Certificate was issued by the Tamil Nadu Fire and Rescue Services on 15.02.2013. Thus, the school building was certified for stability and safety for conducting the classes.

5. Thereafter, there seems to be several writ petitions filed and directions were passed by this Court. While so, the renewal of Form-D licence was periodically being issued to the petitioner-School. Originally, it was issued in the year 2013 and it was renewed upto the year 2017. When the further extension was applied, the impugned order came to be passed stating that the proceedings are pending before the revenue authorities. This Writ Petition is directed against the said order passed by the Tahsildar, Ambattur in his proceedings No.Na.Ka.346/ 2017/ C1 dated 17.03.2017.

6. While so, there was an order passed by the District Collector, Chennai, dated 11.08.2017 recommending the cancellation of the assignment itself that was granted to the petitioner. Challenging the said order, an appeal was preferred before the Commissioner of Land Administration, which was also rejected on 21.08.2019 confirming the order of the District Collector.

7. Aggrieved by the said order, a revision was filed before the Government along with the application for stay of further proceedings till the revision was decided by the Government. As there was delay in passing the order in the said stay application, the petitioner had moved this Court in W.P.No.31823 of 2019 seeking a mandamus for disposal of the said application at least by the Government. In the said Writ Petition, on 15.11.2019, this Court had given a direction to the first respondent therein to consider the revision petition pending before him and pass appropriate orders within a period of four months and as an interim measure, the stay petition preferred by the petitioner may be taken up and appropriate orders be passed within a period of two weeks from the date of receipt of a copy of that order.

8. Pursuant to the same, the Additional Chief Secretary to the Government, Revenue and Disaster Management Department, had passed an order, vide letter No.33624/LD5(2)/2019-6 dated 22.01.2020, directing the authorities not to take any further action based on the orders of the Additional Chief Secretary/Commissioner of Land Administration till the disposal of the revision petition.

9. As the present impugned order, which is refusing to grant Form-D licence to the petitioner-School, is based on the fact that the revision petition is still pending before the Government and the Government itself has already directed the authorities not to take any further action till such time the revision is disposed of, no separate order needs to be passed in this Writ Petition.

10. The learned Special Government Pleader appearing for the respondents also states that the final order in the said revision petition pending before the Government would be passed in a week or two. It is always open to the petitioner to challenge the said order, in the event the order goes against him or not in his favour. It is made clear that in view of the direction given by the Additional Chief Secretary to Government on 22.01.2020, till such time the disposal of revision takes place, no further action need be taken against the petitioner-School.

11. With the above direction, the Writ Petition is disposed of. No costs. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gg/srn
To

- 1 The District Collector,
Tiruvallur District,
Tiruvallur- 602 001
- 2 The District Revenue Officer,
Thiruvallur District,
Thiruvallur- 602 001
- 3 The Thasildar
Ambattur Taluk,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai-53
- 4 The Deputy Thasildar
Ambattur Taluk,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai-53

Copy to
The Additional Chief Secretary to Government
Secretariat, Chennai 9.

+1 CC to Mr.Saravanel, Advocate sr 29022.
+2 Ccs to Mr.Ravichandran, Advocate sr 28852.

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and W.M.P.No.20333 of 2017

MG(CO)
SP(09/09/2020)