



W.P No.32544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P No.32544 of 2023

T.S.Sankar

.. Petitioner

-VS-

1.The Union of India

Ministry of Education

122-C, Shastri Bhawan

New Delhi- 110 001.

2.All India Council for Technical

Education, Nelson Mandela Marg

Vasanth Kunj, New Delhi- 110 067.

3.Thiruvannamalai Saraswathi Ammal

Educational Trust, represented by its

Chairperson Mrs.Jeeva, No.50

Bhavji Nagar, Thiruvannamalai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and second respondents to cancel the license issued to the 3rd respondent to run the educational institutions based on my representation through email dated 12.10.2023 thereby lodging the criminal complaint against the 3rd respondent before the competent authorities.



W.P No.32544 of 2023

For the Petitioner : Mr.T.S.Sankar
For the Respondents : Mr.J.Madanagopal Rao
Senior Central Government
Standing Counsel - for R1
Mr.B.Rabu Manohar
Standing Counsel - for R2
Mr.P.Wilson, Senior Counsel
for Mr.Richardson Wilson-for R3

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.T.S.Sankar, learned counsel for the petitioner, Mr.J.Madanagopal Rao, Senior Central Government Standing Counsel for the first respondent, Mr.B.Rabu Manohar, learned Standing Counsel for the second respondent and Mr.P.Wilson, learned Senior Counsel representing Mr.Richardson Wilson, learned counsel for the third respondent.

2. According to the learned counsel for the petitioner, in the year 1993 permission was obtained by the third respondent from All India Council for Technical Education (AICTE) showing only 7½ acres of land, whereas the minimum requirement is 20 acres. The permission was



W.P No.32544 of 2023

obtained on the basis of fraudulent document and therefore such permission deserves to be cancelled. It is also contended that the subsequent acquisition of land in the year 2003 would not have relevance.

3. Learned Senior Counsel appearing for the third respondent submits that in fact the third respondent was duped by the vendor. Initially when the property was purchased, the vendor and the broker have sold the property which was a water body, and the third respondent on getting to know that the lands are water bodies, returned the said land to the Government and thereafter purchased other lands in the year 1993. The AICTE was made known about all these details and time to time renewal has been granted by AICTE and the approval is granted on yearly basis.

4. We have considered the submissions made by the learned counsel for both sides. The details of the lands are given. Learned counsel for the petitioner accepted that these lands on which the construction has now been carried out are not water bodies. The only dispute raised by the petitioner is that at the time the permission was



W.P No.32544 of 2023

obtained, the extent of land was shown as 7½ acres whereas as per the requirements of AICTE, 20 acres was the minimum requirement. Such minimum requirement has been reduced subsequently to 10 acres. The details of the lands are shown in the AICTE approval proposal. It is for the AICTE to consider whether the third respondent possesses minimum area of land. AICTE is an expert body which has the supervisory role and it is for the AICTE to consider all these aspects.

5. Be that as it may, as it is accepted that the construction is not on the water body and that the permission has been granted by AICTE, it would be for the AICTE to consider all the requirements for running the educational institution / college in accordance with law.

The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

23.04.2024

Index : Yes/No

Neutral Citation : Yes/No

kst

Page 4 of 6



W.P No.32544 of 2023

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W.P No.32544 of 2023

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