



W.P.(MD) No.23896 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.23896 of 2024
and
W.M.P.(MD)No.20239 of 2024

Solai Muthiah Educational and Charitable Trust,
Rep.by its Chairman,
T.Chettiapatti, Thottappanayakanur Post,
Usilampatti Taluk-625 532,
Madurai District.

...Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.The Tamil Nadu Dr.M.G.R.Medical University,
Rep.by its Registrar,
No.69/40, Anna Salai,
Guindy, Chennai-600 032.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the 1st



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respondent State Government to include the Survey Nos.46/8 (47/4,5,6) and 49/3 (A,B,C and D) of T.Chettiapati, Usilampati Taluk in Madurai District together with Survey No.214/1 in the G.O.Ms.No.75, Health and Family Welfare (PME-2) Department dated 10.03.2023 issued by the 1st respondent giving permission for the establishment of petitioners college namely, Solai College of Nursing at T.Chettipatti Village, Usilampatti, Madurai.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For R1 & R2 : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition has been filed to include the Survey Nos.46/8 (47/4,5,6) and 49/3 (A,B,C and D) of T.Chettiapati, Usilampati Taluk in Madurai District together with Survey No.214/1 in the G.O.Ms.No.75, Health and Family Welfare (PME-2) Department, dated 10.03.2023 issued by the 1st respondent giving permission for the establishment of petitioner's college namely, Solai College of Nursing at T.Chettipatti Village, Usilampatti, Madurai.



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2.It is the case of the petitioner that he has originally applied for permission from the Government for running a nursing college in the rural area. The total land is earmarked for this purpose is 7.15 acres in Survey No.214/1, 46/8 (47/4, 5, 6) and 49/3 (A,B,C,D) at T.Chettiapati, Usilampatti Taluk in Madurai District. The inspection was also conducted by the authorities in this regard on 12.03.2021, wherein the survey number, in which the total extent of 7.15 acres is situated, is clearly mentioned.

3.However, while granting permission vide Government Order dated 10.03.2023, only Survey No.214/1 alone is referred instead of all Survey numbers relating to the entire extent of 7.15 acres. Hence, he finds difficulty in getting affiliation from the third respondent University. In fact, the application for affiliation submitted by the petitioner has been returned by the third respondent requesting the petitioner to include all the survey numbers in the Government Order. Therefore, the petitioner has given a representation in this regard on 30.10.2023 and 30.03.2024. However, the same have not been considered. Hence, this writ petition has been filed.



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4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. Admittedly, the fact that an extent of 7.15 acres is earmarked for the purpose of constructing a nursing college, is not disputed. However, the property is situated in various survey numbers as per the inspection report. Therefore, while granting permission by way of Government Order, all the survey numbers ought to have been included. However, by mistake, only one survey number alone is referred in the Government Order. In fact, the survey number mentioned in the Government Order is relating to only 1.87 acres alone. Therefore, the said Government order has to be revised by including all the survey numbers.

6. In view of the above, the first respondent is directed to consider the representations of the petitioner dated 30.10.2023 and 30.03.2024 and pass appropriate orders within a period of one month from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

Index : Yes / No
Internet : Yes / No
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To

1. The Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director of Medical Education,
Kilpauk, Chennai-600 010.



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N.SATHISH KUMAR, J.

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