

(2010) 06 MAD CK 0088

In the Madras High Court

Case No : Writ Petition No. 1791 of 2006

M. Rajathi, Correspondent, Holy Angles Matriculation School	APPELLANT
Vs	
The Director (incharge), Tamil Nadu Matriculation Schools	RESPONDENT

Date of Decision : 22-06-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 133
Tamil Nadu Public Building (Licensing) Act, 1965 — Section 6

Citation : (2010) 06 MAD CK 0088

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : S. Doraisamy, for the Appellant; A. Suresh, Government Advocate, for the Respondent

Judgement

N. Paul Vasanthakumar, J.—In view of the common issues raised in these writ petitions having the same prayer with identical facts these

writ petitions have been taken up together and a common order is passed.

2. The petitioner has challenged the order dated 12.01.2006 passed by the Revenue Divisional Officer u/s 133(1)(d) Cr.P.C. and the

consequential order issued by the second respondent namely, the Inspector of Matriculation Schools, Salem on 13.01.2006 and to quash the

order dated 17.01.2006 withdrawing the recognition granted to the petitioners school.

3. The case of the petitioner is that the petitioner school was established in the year 1990. The construction of the building was completed in the

year 2004 after obtaining the proper building permission from the Mettur Municipality. After the construction of the school building, the

commissioner and the Sanitary Inspector of Mettur Municipality inspected the

building and issued the Sanitary Certificate on 03.09.2004. The

Sanitary Officer of the Fire Service inspected the building on 19.08.2004 and issued no objection certificate on 04.11.2004.

4. The Tahsildar, Mettur issued a licence u/s 6 of the Tamil Nadu Public Building (Licencing) Act, 1965 in Licence No. 1 of 2005 on 29.07.2005

for the purpose of running the school and stated that the building can accommodate 700 students for a period from 01.02.2005 to 31.01.2008 and

structural soundness of the building have been verified as per the latest Indian Standards 875. Chartered Civil Engineer and Registered Valuer has

issued Stability Certificate on 25.11.2004.

5. The impugned order was passed on 12.01.2006 by the 1st respondent stating that the buildings are constructed partly in the patta of land and

partly in the poramboke land and there is likelihood of danger to inmates of the school due to the existence of rocks around the building. The

recognition granted for Standards I to XII by order dated 26.10.2005 till 31.01.2008 was therefore withdrawn. The said order was challenged by

the petitioner in these writ petitions.

6. While admitting the writ petition, this Court granted an interim order on 30.01.2006 taking note of the violation of Article 11(B) of the Code of

the Tamil Nadu Matriculation Schools Regulation, which contemplates issuance of the notice before withdrawing the recognition and by virtue of

the interim order granted the petitioner school is functioning as on date. The said fact is evident from the Proceedings of the Private Schools Fee

Determination Committee letter dated 07.05.2010 addressed to the petitioner school fixing the fee structure and the school is also inspected by the

District Educational Officer, Sankagiri on 22.01.2010 and necessary endorsement is also made in the school register and copy of the same is also

produced before me.

7. In the light of the said facts namely, the stay granted by this Court and by virtue of the same, the petitioner is continuously running the school all

these years and the students are also attending the classes from Standards I to XII and having regard to the fact that the petitioner has obtained

Stability Certificate, Sanitary Certificate, Building Licence etc., for continuance of the recognition of the petitioner school, these writ petition are

disposed of, granted liberty to the petitioner to apply for the renewal of the

recognition in the prescribed form before the Director of Matriculation

Schools, Chennai 6, within a period of four (4) weeks, from the date of receipt of a copy of this order, who in turn is directed to consider the

application seeking renewal of recognition/fresh recognition and pass necessary orders taking note of the fact that students are admitted from

Standards I to XII and undergoing their course of study even this year upto this date and pass necessary orders, within a period of three months,

from the date of the submissions of the application by the petitioner. No costs.