

(2011) 03 MAD CK 0058

In the Madras High Court

Case No : Writ Petition No. 3370 of 2011 and M.P. No. 1 of 2011

Vel Shri R. Rangarajan Dr. Sagunthala Rangarajan
Educational Academy

APPELLANT

Vs

The Commissioner of Land Administration, The District
Collector, The Revenue Divisional Officer and The Tahsildar

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Tamil Nadu Public Building (Licensing) Act, 1965 — Section 11, 2(8), 8

Citation : (2011) 03 MAD CK 0058

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : S. Thanka Sivan, for the Appellant; R. Neelakandan, Government
Advocate, for the Respondent

Final Decision : Dismissed

Judgement

P. Jyothimani, J.—In respect of the land measuring 1.59 acres (0.64 hectares) comprised in Survey No. 322, Morai Village, Ambattur

Taluk, Tiruvellore District, wherein it is stated that the Petitioner is running a School, the proceedings in respect of the assignment of the land in

favour of the Petitioner is stated to be pending before the first Respondent and in fact this Court in W.P. No. 3667 of 2004 filed by the Petitioner

in the order dated 23.02.2004, had already given a direction to the Respondents therein to consider the representation of the Petitioner dated

19.10.2000, and the same is still pending. In the mean time, since the Petitioner is running the School in the said area, the 4th Respondent hitherto

upon granting building permission, based on which the building was constructed and the school is being run, however, for the present academic

year, when an application for renewal is made for extension of building license,

the 4th Respondent has rejected the said request by an order dated 03.08.2010.

2. It is as against the order of rejection of building license extension for this year, the Petitioner has filed an appeal before the third Respondent,

Revenue Divisional Officer, on 10.08.2010, the case of the Petitioner is that the building is deemed to be a public building as per the provisions of

the Tamil Nadu Public Buildings (Licensing) Act, 1965, particularly, Section 2(8), which includes the public building ""any school"" also. The relevant

section is as follows:

Section 2(8). Public building means any building -

(a) used as a -

(i) School (including a tutorial school) or college) or University or other educational institution;

(ii) hostel;

(iii) library;

(iv) hospital, nursing home, dispensary, clinic or maternity center;

(v) club;

(vi) lodging house, boarding house or hotel;

(vii) choultry

(b) ordinarily used for public meetings or for celebrating marriage functions or for holding parties.

3. According to the learned Counsel for the Petitioner, under the above said Act, the authority to renew the license as per Section 8 is the

Tahsildar, viz., the 4th Respondent, as against the order of the Tahsildar, an appeal filed to the third Respondent, who is the appellate authority as

per Section 11 of the Act, therefore, according to the learned Counsel appearing for the Petitioner, since the appeal has been filed to the third

Respondent, the appeal can be directed to be disposed of within a stipulated time and according to him, since the 4th Respondent, licensing

authority is hitherto has been extending the period of license and the Petitioner is in possession of the building and conducting the school, the right

of the Petitioner to continue to be in possession should be considered.

4. Accordingly, the writ petition stands disposed of with direction to the third

Respondent to dispose of the appeal filed by the Petitioner dated 10.08.2010 against the order of the 4th Respondent dated 03.08.2010 and pass appropriate orders after giving opportunity to the Petitioner in accordance with Section 11 of the Tamil Nadu Public Buildings (Licensing) Act, 1965 and such order shall be passed within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to state that till such order is being passed by the statutory authority, viz., the third Respondent, the possession of the Petitioner in respect of the school building shall not be disturbed. It is also open to the Petitioner to work out his remedy in respect of proposal of assignment, which is pending before the first Respondent. No costs. Connected miscellaneous petition is closed.