

GAHC010073402023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/150/2023

INAMUL HASSAN,
REPRESENTED BY HAM-AK COLLEGE OF ARCHITECTURE,
A DEPTT. OF HACPDMS, SHILLONGONI,
DHING ROAD, NAGAON, ASSAM, PIN 782002.

VERSUS

1. THE COUNCIL OF ARCHITECTURE, (COA) AND 2 ORS.,
REPRESENTED BY ITS REGISTRAR- SECRETARY, INDIA HABITAT CENTRE,
CORE- 6A, 1ST FLOOR,
LODHI ROAD, NEW DELHI- 110003.

2:MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
REPRESENTED BY DEPUTY SECRETARY,
DEPTT. OF HIGHER EDUCATION GOVT. OF INDIA,
TECHNICAL EDUCATION BUREAU,
SHASTI BHAWAN, NEW DELHI 110115.

3:THE PRESIDENT,
COUNCIL OF ARCHITECTURE (AN AUTONOMOUS STATUTORY BODY OF
GOVT. OF INDIA UNDER THE ARCHITECTS ACT 1972) COUNCIL OF
ARCHITECTURE, INDIA HABITAT CENTRE,
CORE6A, 1ST FLOOR,
LODHI ROAD, NEW DELHI 11000

For the Appellant(s) : Mr. K.A. Mazumder, Advocate.

For the Respondent(s) : Mr. P. Mahanta, Advocate for respondent Nos.1 & 3.

: Mr. H. Gupta, Central Government Counsel for respondent
No.2.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

09.02.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant/writ petitioner being aggrieved with the order dated 09.03.2023 passed by the learned Single Judge in WP(C) No.508/2021, whereby the writ petition filed by the appellant/writ petitioner has been dismissed as having been infructuous while granting liberty to it to approach the appropriate forum for redressal of its grievances, regarding the Resolution No.498 taken by its Council of Architecture (COA) in its 69th meeting held on 13th and 14th April, 2018.

In the writ petition, the appellant/writ petitioner has challenged the validity of the letter dated 24.08.2020 sent by the Council of Architecture, whereby the appellant/ writ petitioner was directed to deposit an amount of Rs.25 Lakhs for the propose of conducting 5(five) years full time Bachelor of Architecture Course for the session 2020-2021.

The learned Single Judge has observed that the letter dated 24.08.2020 was sent by the Council of Architecture pursuant to the decision taken by the Council of Architecture vide Resolution No.498 in its 69th meeting held on 13th and 14th April, 2018. However, the appellant/ writ petitioner has not challenged the validity of the said Resolution and, therefore, the relief prayed for in the writ petition cannot be granted. The learned Single Judge has also observed that the appellant/writ petitioner has sought approval for opening 5(five) years full time Bachelor of Architecture Course for the Session 2020-2021

and since the said period is already over, the writ petition being infructuous is liable to be dismissed.

Learned counsel for the appellant/writ petitioner has submitted that though the application filed by the appellant/writ petitioner seeking approval from the Council of Architecture to open 5(five) years full time Bachelor of Architecture Course was for the Session 2020-2021 but this Court can direct the respondents to consider the said application for the further academic sessions. In support of the same, learned counsel for the appellant/writ petitioner has placed reliance on the decision of the Hon'ble Supreme Court in the case of ***Padmashree Dr. D.Y. Patil Medical College -Vs- Medical Council of India & Anr.***, reported in ***(2015) 10 SCC 51***.

Having heard the learned counsel for the parties and after going through the material available on record, we are of the view that the learned Single Judge has rightly held that without there being any challenge to the Resolution of the Council of Architecture, on the basis of which the letter dated 24.08.2020 was sent to the appellant/writ petitioner, no relief can be granted to it. The learned Single Judge has also rightly observed that since the appellant/writ petitioner was seeking approval from the Council of Architecture to open 5(five) years full time Bachelor of Architecture Course for the session 2020-2021 and the said period is already over, the writ petition has become infructuous.

The reliance placed by the learned counsel for the appellant/writ petitioner on the decision of the Hon'ble Supreme Court rendered in ***Padmashree Dr. D.Y. Patil Medical College*** (supra) is of no help to it as the facts of the said case are clearly distinguishable from the facts of the present case.

Hence, we do not find any merit in this appeal and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant