



W.P(MD)No.20615 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20615 of 2014 and
MP(MD) No.2 of 2014

1.S.Melapatty Sr.Mariamman
Kshatriya Vidhyasala Palligalin
Kalvi Paribalana Sabai (Reg.No.59/1999),
Represented by its Secretary,
Dr.M.Pathamuthu

2.S.Melapatty Sri Mariamman Kshatriya Hindu
Nadargal Uravinmurai
Nala Sangam (Reg.No.64/1999),
Represented by its President,
S.Kanagaraj Nadar

...Petitioners

Vs.

1.The District Educational Officer,
Usilampatti,
Madurai District.

2.The District Educational Officer,
Elementary Schools,
Madurai District.

3.M/s. Nadar Uravinmurai, S.Melapatti,
Through its President,
Santhiyur Post,
Peraiyur Taluk,
Madurai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 04.09.2014 by restraining the unlawful action of the third respondent or any other person's interference in the administration of the Sri MKV Sala Higher Secondary School and Sri MKV Sala Elementary School at S.Melapatti, Peraiyur Taluk, Madurai District.

For Petitioner	: Mr.S.Suresh Babu
For R1 & R2	: Mr.S.Shaji Bino Special Government Pleader
For R3	: Mr.E.V.N.Siva

ORDER

This writ petition was filed for a Mandamus, directing the first respondent to consider the representation of the petitioner dated 04.09.2014 by restraining the unlawful action of the third respondent or any other person's interference in the administration of the Sri MKV Sala Higher Secondary School and Sri MKV Sala Elementary School at S.Melapatti, Peraiyur Taluk, Madurai District.

2.This writ petition was filed in the year 2014 and when it was taken up for hearing on 30.01.2023, it was reported that the counsel for the petitioners is no more. Therefore, this Court by order



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dated 30.01.2023, directed the Registry to issue notice to the petitioner. Notice sent to the first petitioner was returned as "unclaimed" and the notice issued to the second petitioner was returned as "deceased".

3.The learned counsel appearing for the third respondent has produced the judgment passed in O.S.No.53 of 2013 by the learned District Munsif cum Judicial Magistrate, Peraiyur and submits that with regard to this issue in this writ petition, the petitioner has already filed a suit in O.S.No.177 of 2005, for the relief of injunction, before the Sub Court, Thirumangalam. Subsequently it was transferred to the District Munsif cum Judicial Magistrate Court, Peraiyur and renumbered as O.S.No.53 of 2013 and it was dismissed on 13.08.2020. He further submits that as against the judgment and decree passed by the District Munsif cum Judicial Magistrate Court, Peraiyur in O.S.No.53 of 2013, the petitioners have preferred an appeal and the same is still pending.



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4.This Court considered the submissions made by the learned counsel for the third respondent and perused the materials placed on record.

5.Since there is no proper representation for the petitioner even after issuance of the notice to them and considering the fact that the petitioners have already approached the competent civil Court for the relief sought for in this writ petition and with regard to this issue, the appeal preferred by the petitioners is pending before the competent civil Court, this writ petition is dismissed with a liberty to the petitioners to work out their remedy before the competent civil Court, where the appeal is pending. No Costs. Consequently, connected Miscellaneous Petition is closed.

10.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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W.P(MD)No.20615 of 2014 and
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