

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No. 10806 of 2015
and M.P.No. 1 of 2015

1.Ponnammal
2.Visalam

..Petitioners

-Vs-

1.The Director of Elementary Education
DPI Campus, College Road
Chennai-600 006.

2.The Chief Educational Officer
Nagercoil.

3.The District Educational Officer
Nagercoil.

4.Nethaji Nursery and Primary School
represented by its Correspondent
Muthuramalingam
C.B.H.Road, Krishancoil
Nagercoil.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 not to renew the recognition granted to the fourth respondent School and pass further orders as this Court may deem fit and proper in the facts and circumstances of the case.

For petitioners : Ms.Dakshayani Reddy

For respondents : Mr.RM.Muthukumar

Government Advocate

for respondents 1 to 3

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioners claim that they are the joint owners of the property admeasuring to an extent of 7.67 cents of land in Plot No.28 with terrace building in Vadaseri Village, Agastheeswaram Taluk,

Kanyakumari District and it was purchased by them vide registered sale deed dated 15.04.1996. The petitioners would further state that they have entered into a registered Agreement of Lease with one Muthuramalingam, the Correspondent of the fourth respondent School and since, the lessee tried to put up the superstructure without written permission, the petitioners filed a suit in O.S.No.574 of 2009 before the I Additional District Munsif Court, Nagercoil, for permanent injunction restraining the fourth respondent from putting up any construction and it was decreed on 26.07.2011 and the appeal filed in A.S.No.68 of 2011 was dismissed vide judgment and decree dated 29.02.2012 by the Appellate Court. The petitioners have also instituted a proceedings under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, for eviction of the fourth respondent by filing R.C.O.P.No.18 of 2010 on the file of the Rent Controller/District Munsif, Nagercoil, and the same is pending. The apprehension expressed by the petitioners is that inspite of the above proceedings, the fourth respondent is attempting to get renewal of the recognition of the School and in this regard, the petitioners have submitted objections in the form of representation dated 16.01.2015 to the respondents 1 to 3 and since, they have not been favoured with any response, the petitioners came forward to file the Writ Petition.

3. Ms.Dakshayani Reddy, learned counsel appearing for the petitioners drawing the attention of this Court to the documents available on record in the form of typed-set of-papers would submit that since, the Civil Court decree has become final, the fourth respondent School is not entitled to get renewal of recognition. She would further add that since, the representation submitted by the petitioners in this regard on 16.01.2015 has not been favoured with any kind of response, the petitioners are constrained to file the Writ Petition.

4.Per contra, Mr.RM.Muthukumar, learned Government Advocate appearing for the respondents 1 to 3 would submit that it is not clear as to whether any further appeal has been preferred against the judgment and decree dated 29.02.2012 made in A.S.No. 68 of 2011 and prays for appropriate orders for disposal of the representation.

5. A perusal of the typed-set of-papers would disclose that neither the postal receipt nor the acknowledgment has been enclosed by the petitioners to evidence the fact of sending the representation dated 16.01.2015. This Court taking into consideration the above facts and circumstances, without going into the merits of the contention put forward by the learned counsel appearing for the petitioners, is inclined to dispose of the Writ Petition, by permitting the petitioners to submit one more representation to the third respondent, by enclosing a copy of the earlier representation dated 16.01.2015, within a period of two weeks from the date of receipt of a copy of this order and the third respondent on receipt

of the said representation is directed to consider the same, on merits and in accordance with law, after putting the fourth respondent on notice and pass appropriate orders, within a period of six weeks thereafter and communicate the decision taken to the petitioners as well as to the fourth respondent. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. There is no order as to costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

paa

To

- 1.The Director of Elementary Education
DPI Campus
College Road
Chennai-600 006.
- 2.The Chief Educational Officer
Nagercoil.
- 3.The District Educational Officer
Nagercoil.

+1cc to Mr.Dakshayani Reddy, Advocate SR.No.20591

1 CC to the Government Pleader SR NO 20691

W.P.No.10806 of 2015

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