

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.33635 of 2013

R.Gopinath

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by Secretary to the Government,
School Education Department,
St. George Fort,
Chennai - 600 009.
2. The District Educational Officer,
(Elementary Education)
Vellore District, Vellore Fort,
Vellore.
3. The Tahsildhar,
Arcot Taluk,
Vellore District.
4. T.N.Bhoopal

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus, directing the respondents to consider the petitioner's representation dated 06.11.2013 and consequently, direct the 1st and 2nd respondents to take action against the 4th respondent.

For Petitioner : Mr.J.Karthikeyan

For R1 to R3 : Mr.P.Sanjay Gandhi,
Additional Government Pleader

For R4 : Mr.M.Balasubramanian

ORDER

The petitioner states that he is owner of the property, in which the fourth respondent is the tenant running a school. The petitioner made a complaint to the second and third respondents on 01.07.2013 and the second respondent has sent a report through Proceedings O.M.No.2752/A3/2013 dated 26.09.2013, after making enquiry by the Assistant Elementary Educational Officer, Vellore District. Thereafter, the petitioner has made a representation dated 06.11.2013 to the first and second respondents to take action against the fourth respondent. Since no orders have been passed the present Writ Petition is filed.

2. The learned counsel for the fourth respondent has submitted that there is suppression of the facts about the pendency of the suit in which the fourth respondent has obtained an order of interim injunction much prior to the filing of this Writ Petition which is preceded by the complaint given by the petitioner and the said complaint has been rejected.

3. A counter affidavit has been filed by the second respondent wherein in paragraph 5 it is stated as follows:

"I humbly submitted that the writ petitioner has submitted a petition dated 06/11/2013. The same was received by the office of the 2nd respondent on 07/11/2013. Insofar as the nursery schools are concerned the inspecting authority is Nursery Assistant Elementary Educational Officer. This respondent has ordered for an enquiry with regard to the documents submitted by the 4th respondent school management. When the school was inspected by the Assistant Elementary Educational Officer (Nursery), Vellore District, on 12/08/2013, it was found that the lease agreement and the school documents were not produced by the 4th respondent school management when it was demanded by Assistant Elementary Educational Officer (Nursery), Vellore District."

4. It appears that the petitioner has not placed correct facts before this Court. There appears to be some dispute between the

petitioner and the fourth respondent which is both under the criminal law and the civil law. Be that as it may, the enquiry is pending with the second respondent. Thus the said authority is directed to proceed with the enquiry after affording an opportunity to the parties concerned. The second respondent after the conclusion of the enquiry, shall pass appropriate final orders.

This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
State of Tamilnadu,
School Education Department,
St. George Fort,
Chennai - 600 009.
2. The District Educational Officer,
(Elementary Education)
Vellore District, Vellore Fort,
Vellore.
3. The Tahsildhar,
Arcot Taluk,
Vellore District.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.50351
+1cc to the Government Pleader, S.R.No.50507

KJI (CO)
CA(01/10/2015)

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