



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.04.2015
CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

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W.P. (MD) No.6641 of 2015

N.S.R.Sethuramachandran

... Petitioner

Vs.

1.The Director,
The Office of the Director of Public Instructions,
(Matriculations),
College Road,Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Tallakulam, Madurai 625 002.

3.The Inspector of Matriculation Schools,
Tallakulam, Madurai 625 002.

4.C.Chandran

5.P.S.Boopathy Manickam

6.B.Dhanalakshmi

7.Guruji Educational Trust,

Rep.by its Present Trustee the respondents 5 and 6,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take suitable and appropriate action on the notices sent by the petitioner dated January 2013, 12.01.2015 and 26.02.2015 and terminate or forbear from extending the license or permission to the respondents 4 to 7 for conducting the school within properties of the petitioner from and after the next academic year commencing from June 2015.

For Petitioner : Mr.M.S.Balasubramaniaiyer

For Respondents : Mr.V.Muruganantham, AGP for R1 to R3
Mr.M.Mohamed Ajeedheer for R7

O R D E R

The Writ petition has been filed seeking an order to issue a Writ of Mandamus, directing the respondents 1 to 3 to take suitable and appropriate action on the notices sent by the petitioner dated January 2013, 12.01.2015 and 26.02.2015 and terminate or forbear from extending the license or permission to the respondents 4 to 7 for conducting the school within properties of the petitioner from and after the next academic year commencing from June 2015.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



3.The case of the petitioner is that the petitioner is the owner of the property, in which, the respondents 4 to 6 have constructed a school building and a play ground in the land of the petitioner by executing a lease agreement. Since the period of lease has already over, the petitioner asked the respondents 4 to 6 to hand over the possession of the property as per the lease agreement. However, the respondents 4 to 6 have not handed over the property to the petitioner. Hence, the petitioner filed a suit in O.S.No.144 of 2012 before the II Additional Subordinate Court, Madurai for redeeming the mortgage and for recovery of possession of the mortgaged properties and lease hold properties and the said suit is pending.

4.When the owner of the property namely, the petitioner objected to continue to run the school in the said property and in this regard, a suit is pending before the Trial Court, the respondents 1 to 3 have no jurisdiction to grant or extend the licence to run the school by the respondents 4 to 7 in the said property. Since the academic year comes to an end in the month of April 2015, the respondents 1 to 3 are not able to renew the licence or extend the period of licence as the suit is pending.

5.In reply, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has come forward with an apprehension that the licence will be extended. Whether the licence should be renewed or extended will be depending upon the outcome of the suit and at this point of time the same cannot be done. He further submitted that there is no renewal application pending before the respondents 1 to 3.

6.The learned counsel appearing for the petitioner submitted that when there is no valid licence or renewal of licence granted to the respondents 4 to 7, the respondents 1 to 3 cannot extend the period of licence or renewal of licence when there is strong objection raised from the owner of the property.

7.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 7th respondent.

8.Since the suit is pending before the Trial Court and no such renewal application is pending before the respondents 1 to 3, the apprehension of the petitioner is unnecessary. If any order passed in this Writ petition, that would affect the suit. Hence, this Court expects the II Additional Subordinate Court, Madurai to decide the suit in O.S.No.144 of 2012 expeditiously.

9.It is submitted that transfer petition in Tr.O.P.No.51 of 2014 is pending before the Principal District Court, Madurai. Accordingly, the Principal District Court, Madurai is directed to dispose of the Tr.O.P.No.51 of 2014 within a period of one month from the date of receipt of a copy of this order and thereafter, the II Additional Subordinate Court, Madurai shall decide the suit within a period of six months.



The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar

To

1.The Director,The Office of the Director of Public Instructions,
(Matriculations),College Road, Nungambakkam, Chennai.

2.The Chief Educational Officer, Tallakulam, Madurai 625 002.

3.The Inspector of Matriculation Schools,Tallakulam, Madurai 625 002.

4.The Principal District Judge, Madurai

5. The II Additional Subordinate Judge, Madurai

+2cc to M/S.M.S.BALASUBRAMANIAN, ADVOCATE SR.NO.21862

+1CC TO MR.M.MD.AJEES DHEEN, ADVOCATE SR.NO.23115

+1CC TO THE SPL.GOV.T.PLEADER SR.NO.22832

W.P. (MD)No.6641 of 2015
24.04.2015

NBJ

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