



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :16.06.2015
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD).No.6689 of 2015

WEB COPY

A.Nowsathbegum ... Petitioner

Vs

- 1.The District Collector
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District.
- 3.The Tahsildar,
Aalthur Taluk,
Dindigul District.
- 4.The District Primary Educational officer,
Dindigul District.
- 5.Sheik Amir Adi ... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent in his proceedings Na.Ka.No.4319/2015/R4 dated 31.03.2015 and quash the same and direct the 4th respondent to grant renewal certificate in respect of the Nehru Nursery and Primary School run by the petitioner for the period from 05.06.2014 to 04.06.2017

For petitioner : Mr.R.Chandrasekar
For R.1 to 4 : Mr.J.Gunaseelan Muthiah
Government Advocate
For R.5 : Mrs.H.Laxmi Shankar

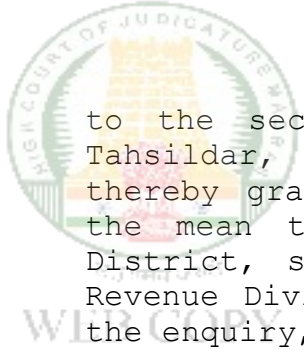
ORDER

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent in his proceedings Na.Ka.No.4319/2015/R4 dated 31.03.2015 and quash the same and direct the fourth respondent to grant renewal certificate in respect of the School by name 'Nehru Nursery and Primary School' run by the petitioner for the period from 05.06.2014 to 04.06.2017.

2. Mrs.S.Bharathi, learned Government Advocate takes notice for the respondent.

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

4. The case of the Writ Petition is that the petitioner is running a primary school by name 'Nehru Nursery and Primary School'. The licence of the School is periodically issued by the competent authority and the recognition of the School was also renewed accordingly. While so, at the time seeking renewal for the period from 2014 to 2017, the third respondent conducted an enquiry and passed an order dated 02.05.2014 rejecting the renewal request of the petitioner, as there is civil dispute pending between the petitioner and the fifth respondent. Aggrieved over the same, the petitioner preferred an appeal



to the second respondent, who in turn, set aside the order of the Tahsildar, dated 02.05.2014 and passed a fresh order dated 09.02.2015 thereby granting renewal to the petitioner School from 05.06.2014. In the mean time, citing incompetency, the District Collector, Dindigul District, set aside both the orders of the Tahsildar, as well as the Revenue Divisional Officer, and directed the third respondent to conduct the enquiry, afresh.

4. The learned counsel appearing for the petitioner would submit before setting aside the orders of the Tahsildar as well as Revenue Divisional Officer, no opportunity was afforded to the petitioner.

5. On notice, the learned Government Advocate would submit that appropriate opportunity will be given to the petitioner, while passing fresh orders.

6. In view of the factual matrix stated above, the third respondent is directed to pass appropriate orders, as directed by the first respondent in his order dated 31.03.2015, after affording an opportunity of hearing to the petitioner and the fifth respondent, within a period of six weeks from the date of receipt of a copy of this order. Both of them shall place sufficient material before the third respondent to substantiate their claim. Pending disposal, the petitioner shall not be evicted or disturbed by any of the authorities.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

The Assistant Registrar(Per.Admn)

/True copy/

Sub-Assistant Registrar

To

1.The District Collector
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Aalthur Taluk,
Dindigul District.

4.The District Primary Educational Officer,
Dindigul District.

+1cc to Mr.H.LakshmiShankar, Advocate SR.No.30964

+1cc to Mr.R.Chandrasekar, Advocate SR.No.31177

+1cc to special Government Pleader SR.No.31383

ssm

Sm:30.06.2015:2P/8C

<https://hcservices.ecourts.gov.in/hcservices/>

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16.06.2015