

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38198 of 2015

ORDER:

The petitioner claims to be the President of the Parents Association of Bethal Convent English Medium High School, Gandhinagar, Jadcherla Mandal, Mahabubnagar District. His prayer is in the following terms:

“For the reasons stated above it is just and necessary that this Hon'ble Court may be pleased to direct more particularly one in the nature of the Writ of Mandamus or any other writ or order or orders declaring the action of the respondents is without there being any justifiable reason and against the petitioner is highly illegal, arbitrary and violative of Article 14 of Constitution of India and consequently direct the respondents not to enter into the Bethal Convent High School premises and direct them not to lock the school premises where our children are studying. If this Hon'ble court does not intervenes the future of the 500 students studying in the school from L.K.G. to S.S.C. will be destroyed as the exams are nearing and at this stage it is impossible for the parents to admit their children in any other school and the innocent future citizens will be mentally shocked if they see the school premises locked on Monday hence this writ petition to protect the children's right to education and there are 35 hostellers in the school premises they have come on roads because the school premises including the hostel is locked they are all from nearby villages which are in the vicinity of 80-90 Kms from Jadcherla and they are all poor and minority students getting quality education at reasonable fees, and pass such other order or orders as this Hon'ble Court may feel fit and proper in the circumstances of the case.”

In the body of the affidavit, the petitioner disclosed that an Advocate Commissioner had come with police bandobasth and bank staff for taking possession of the school premises. As this indicated that action is being taken pursuant to some court order, the matter was adjourned on 24.11.2015 to enable the learned Government Pleader for Home to get instructions.

The learned Government Pleader informed this Court today that only the office premises of the school had been seized and that the school was still being run.

However, Smt. Nusrath Shahezadi, learned counsel for the petitioner, placed before the Court a copy of the order dated 01.10.2015 passed by the learned Chief

Judicial Magistrate, Mahabubnagar, in Crl.M.P.No.39 of 2015. The Court issued an Advocate Commissioner's warrant under the said order in relation to proceedings under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002').

In the light of the afore-stated facts, if the petitioner is aggrieved by any proceedings initiated under the Act of 2002 in relation to the school building, it is for him to take recourse to appropriate remedies in connection therewith before the proper forum. The petitioner cannot independently maintain parallel proceedings in relation to the same issue.

This writ petition is therefore dismissed leaving it open to the petitioner to take recourse to appropriate remedies in accordance with law in relation to the proceedings initiated under the Act of 2002, if so advised.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

25th November, 2015

IBL