

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15776 of 2016

Mohideen Andavar Pallivasal Jamath  
rep. by its Jamathar A.D.M.Farook

... Petitioner

vs.

1.The District Collector,  
Nagapattinam.

2.The Tahsildar,  
Tharangambadi,  
Nagapattinam District.

3.The Inspector of Matriculation  
Schools, Thanjavur.

4.Ramamoorthy

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to complete the petitioner's enquiry in pursuance of his proceedings in Na.Ka.2070/2015/Aa1 dated 27.10.2015 and file his report to first respondent and further direct the respondents 1 to 3 to accord their sanction to the petitioner to run Hameetha Matriculation Higher Secondary School in building situated in Old Survey No.132/91, New Survey No.349/37, Eduthukatu Sathanur Village, Tharangambadi Taluk, Nagapattinam District within stipulated period.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.V.Jayaprakash Narayanan,  
Spl. Govt. Pleader, for R.1 to R.3

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to complete the enquiry in pursuance of his proceedings in Na.Ka.2070/2015/Aa1 dated 27.10.2015 and file his report to first respondent and further direct the respondents 1 to 3 to accord their sanction to the petitioner to run Hameetha

Matriculation Higher Secondary School in building situated in Old Survey No.132/91, New Survey No.349/37, Eduthukatu Sathanur Village, Tharangambadi Taluk, Nagapattinam District within stipulated period.

2. It is the case of the petitioner that Hameetha Girls Matriculation Higher Secondary School was founded by one Mohammed Hussain of Eduthukatti Sathanoor. The Director of Matriculation Schools accorded sanction for admitting students from LKG to 12 stands. The said Mohammed Hussain functioned as Correspondent of the said school. After the death of Mohammed Hussain, his legal representatives were unable to run the said school and hence, the school was not admitting students from the academic year 2010-11 onwards. Thereafter, the legal representatives assigned the school administration to the petitioner Jamath. After that, the petitioner has taken steps to revive the functioning of the school. However, the fourth respondent objected the functioning of the said school in the building situated at Old S.No.152/27 on the ground that the school building is not stable. Hence, the petitioner made a representation to the first respondent seeking his permission and help for revival of the school, who in turn, addressed a communication to the third respondent and sought for his views in this regard. The third respondent, in his proceedings dated 12.2.2015, directed the petitioner to submit a fresh proposal in prescribed format for opening the school. The petitioner has also complied with the same. Since the fourth respondent objected for opening of the school, the second respondent, vide proceedings dated 27.10.2015, issued a public notice calling objections from general public. In the said proceedings, the second respondent has made it clear that in the absence of any objection from the public, steps will be taken for opening the school in the above said place. After objection from the fourth respondent, the second respondent has not proceeded further and completed his enquiry. The second respondent ought to have considered the objection of the fourth respondent with reference to the Village revenue records and passed final orders within a reasonable time. In view of the inaction on the part of the second respondent, the process for opening of the school gets stalled. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

3. Learned counsel appearing for the petitioner submitted that now almost six months have lapsed, however, the second respondent has not taken any action to complete the enquiry. Thus, he sought for a direction to the second respondent to complete the enquiry in pursuance of his proceedings in Na.Ka.2070/2015/Aa1 dated 27.10.2015 and file his report to first respondent and further direct the respondents 1

to 3 to accord their sanction to the petitioner to run Hameetha Matriculation Higher Secondary School in building situated in Old Survey No.132/91, New Survey No.349/37, Eduthukatu Sathanur Village, Tharangambadi Taluk, Nagapattinam District within stipulated period.

4. I have heard the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 to 3.

5. Considering the facts and circumstances of the case, and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to expedite the enquiry in pursuance of his public notice dated 27.10.2015 and dispose of the same, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent and other necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to merit of the claim projected by the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector,  
Nagapattinam.

2.The Tahsildar,  
Tharangambadi,  
Nagapattinam District.

3.The Inspector of Matriculation  
Schools, Thanjavur.

1 cc to The Government Pleader, sr.26767

1 cc to Mr.S.Sounthar, Advocate, sr.26674

W.P.No.15776 of 2016

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kra 01.06.2016