

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16088 of 2016

Minerva Vidya Mandir Nursery
and Primary School,
Rep. by its Correspondent T.N.Bhoopal,
No.15/1, Kavanoor Road, Timiri,
Arcot Taluk, Vellore District.

...Petitioner

Vs.

1.The District Collector,
Vellore District,
Office of the Collector at Vellore,
Vellore.

2.The Tahsildar,
Arcot Taluk Office,
Arcot, Vellore District.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the 2nd respondent herein to dispose of the petitioner's renewal application dated 12.02.2016 claiming "D" form license within a stipulated period for the academic year 2016 - 2017.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.P.Sanjay Gandhi,
Addl.Govt.Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to dispose of their renewal application dated 12.02.2016 seeking "D" form license for the Academic Year 2016 - 2017, within a stipulated period fixed by this Court.

2. The case of the petitioner is that the petitioner school is running with classes from LKG to V standard on the strength of 121 students and eight teachers, right from 2000 onwards. It has 'D' form licence, sanitary certificate and no

objection certificate from the fire service. Originally, the school premises belonged to one C.Santhanalakshmi @ Shanthi, who entered into an agreement for sale with his brother Dr.D.Indrakumar and instructed one T.N.Bhoopal, who is the correspondent of the petitioner school, to have the tenancy right in his favour in the year 2006. Accordingly, the said T.N.Bhoopal obtained the tenancy right and is paying the monthly rent to Dr.D.Indrakumar, who is his landlord. While so, the son-in-law of the said C.Santhanalakshmi @ Shanthi namely R.Gopinath, on the strength of some bogus documents, threatened the Correspondent of the petitioner School to pay the rent to him and on 08.06.2013, he trespassed into the school and damaged the Notice Board. In this regard, a complaint was lodged with the local police station, vide CSR No.88 of 2013. Thereafter, a civil suit in O.S.No.76 of 2013 was filed before the District Munsif Court, Wallajah for the relief of permanent injunction and an order of interim injunction was also obtained in IA.No.101 of 2013, which was later on made absolute. Having failed in his attempts, the said Gopinath sent a false complaint against the petitioner to the Education department and also filed a writ petition in WP.No.33635 of 2013 before this Court. By order dated 15.09.2015, the said writ petition was disposed of, directing the second respondent to proceed with the enquiry, after affording opportunity to the parties therein. Even thereafter, no adverse order has been passed against the petitioner. In the mean while, the landlord also filed a civil suit in OS.No.133 of 2014 before the Sub court, Ranipet for specific performance and the same is pending. In such circumstances, the petitioner made an application dated 12.02.2016 enclosing all the required documents to the second respondent, seeking renewal of 'D' form licence for the Academic Year 2016-2017. The said application was not considered by the second respondent so far. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

4. Considering the limited nature of the relief sought for herein, this Court directs the second respondent to consider the application of the petitioner dated 12.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders with regard to renewal of 'D' form licence to the petitioner School. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Vellore District,
Office of the Collector at Vellore,
Vellore.

2.The Tahsildar,
Arcot Taluk Office,
Arcot, Vellore District.

+ 1 cc to The Govt.Pleader, Sr 27414

+ 1 cc to Mr.M.Balasubramanian, Advocate Sr 26781

KR/8/6/16

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