

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27136/2016

Bharani Swadi Educational Trust
rep.by its Managing Trustee
Mrs.Lekha Chandrasekar

Petitioner

Versus

1.The Secretary to Government
Health & Family Welfare Department
Government of Tamil Nadu
Fort St George, Chennai-9.

2.The Director of Medical Education,
No.150-151, Periyar EVR High Road
Kilpauk, Chennai-600010.

3.The Manager
Indian Bank, Kotturpuram Branch
Chennai 600 085.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 2nd respondent to forthwith release the Endowment Fund of Rs.10 Lakhs made by the petitioner in the form of Fixed Deposits deposited with the 3rd respondent Bank, viz., Indian Bank, Kotturpuram Branch, in the joint names of the petitioner and the 2nd respondent, together with interest payable till the date of payment to the petitioner.

For Petitioner : Mr.Arun Anbumani
For R1 & R2 : Mr.S.Navaneethan, AGP
For R3 : Mr.L.Ramkumar

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner Trust, for the purpose of imparting Bachelor of Physiotherapy [B.P.T.Degree course], had established a College, viz., "Bharani Swadi College of Physiotherapy" and necessary permission/approval was granted by the Government of Tamil Nadu as well by the Tamil Nadu

Dr.MGR Medical College University, Chennai. The petitioner, in compliance to the terms and conditions for grant of approval/permission/affiliation, was called upon to create and Endowment Fund, for a sum of Rs.20 Lakhs, which was subsequently reduced to Rs.10 Lakhs, in a Nationalised Bank in the joint name of the petitioner and the 2nd respondent and accordingly, the said Endowment Fund was created for a sum of Rs.10 lakhs and it is lying to the credit of the 3rd respondent / Bank. The petitioner was also required to deposit a sum of Rs.5 lakhs to the Tamil Nadu Dr.MGR Medical College University towards Security Deposits and it was also deposited. The petitioner would further state that in view of poor response to the admission of the students to the said College, a decision has been taken to close the College and accordingly, the above said University had permitted the petitioner to close the B.P.T. Course, permanently and the Security Deposit of Rs.5 lakhs, deposited with them, was also refunded to the petitioner Trust on 30.05.2008. The grievance expressed by the petitioner is that despite the permanent closure of the College and the submission of very many representations for refund of the Endowment Fund of Rs.10 lakhs, which is lying to the credit of the 3rd respondent, the 2nd respondent did not respond to the same and therefore, it is constrained to approach this Court by filing the present writ petition.

3 Heard the submissions of Mr.Arun Anbumani, learned counsel for the petitioner ; Mr.S.Navaneethan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.L.Ramkumar, learned counsel for the 3rd respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 11.01.2013, 13.11.2013, 28.11.2013, 19.12.2013, 08.12.2014, 04.05.2015 and 27.07.2015 respectively, in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

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To

1.The Secretary to Government
Health & Family Welfare Department
Government of Tamil Nadu
Fort St George, Chennai-9.

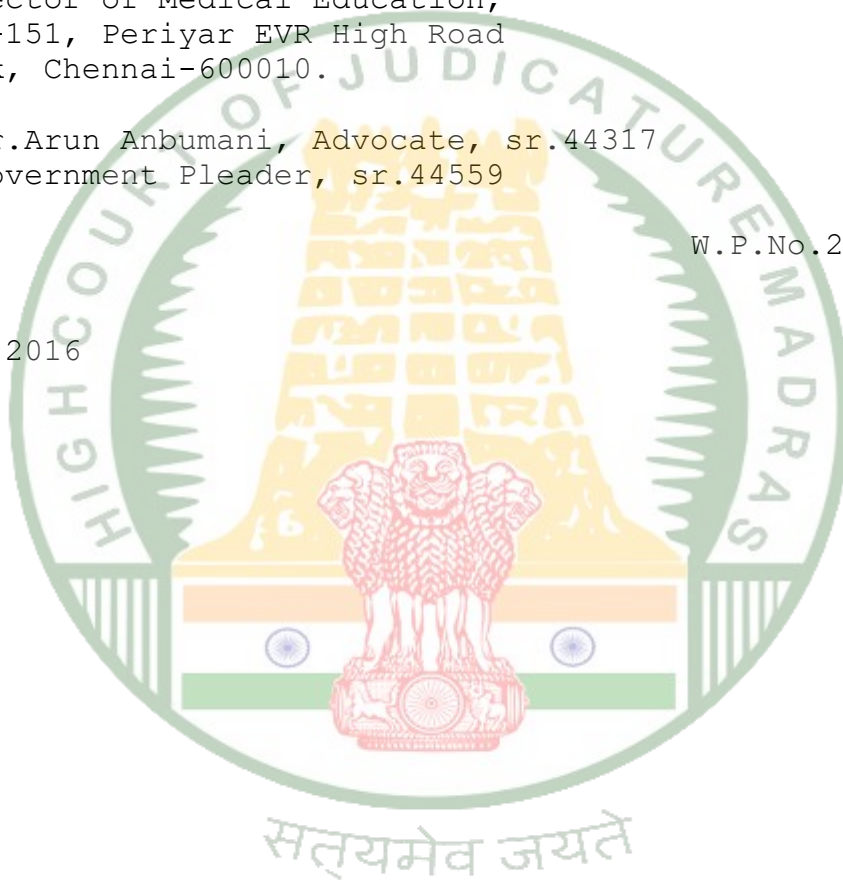
2.The Director of Medical Education,
No.150-151, Periyar EVR High Road
Kilpauk, Chennai-600010.

1 cc to Mr.Arun Anbumani, Advocate, sr.44317

1 cc to Government Pleader, sr.44559

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sr co
kra 23.08.2016



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