

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No 16486 of 2016

Shyam Prabhu

... Petitioner

.Vs.

1.The District Elementary Educational Officer
Vellore Fort Round Complex, Vellore.

2.The Chief Educational Officer,
B-Block, 3rd Floor,
O/o. The Collectorate Complex,
Sathuvachari, Vellore-9.

3.The Director of Elementary Education,
College Road, Chennai- 600 006.

4.Mrs. Jayashree Kothai,
W/o. Mr. Kumaresan,
Correspondent Sri Kirshna Balamandir
No. 1/8, Erikarai Street,
Ranipet, Vellore District.

5.Mrs. Deepa Gopika,
W/o. Mr. Yuva Balaji,
No. 9A, Parry Colony,.
Ranipet, Vellore District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing to dispose the representation of the petitioner dated 12.02.2016 in the subject matter of accommodation of student for the academic year 2016-17 to the Shri. Krishna Bala Mandir Nursery and Primary School functioning at No. 13, Somu Mudali Street, Ranipet, Vellore District.

For Petitioner : Mr. K. Mohanamurali

For respondents : Mr. V. Anandhamurthy,
Additional Government Pleader
for R1 to R3
Mr. K. H. Ravikumar for R4
Mr. R. Venkatesan for R5

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to dispose of the representation of the petitioner dated 12.02.2016 in the subject matter of accommodation of student for the academic year 2016-2017 in the Shri Krishna Bala Mandir Nursery and Primary School functioning at No.13, Somu Mudali Street, Ranipet, Vellore District.

2. The case of the petitioner is that the above said property is a joint family property belonging to the petitioner's mother-- Gajalakshmi, Jayashree Kothai-the third respondent and Deepa Gopika-the fourth respondent. The third respondent entered into a lease agreement without the knowledge of the petitioner's mother and started a School in the name and style of Shri Krishna Bala Mandir Nursery and Primary School along with the fourth respondent. After the death of the petitioner's mother, the petitioner met the third respondent to handover the School to the joint family. But, they have accused the petitioner in filthy language and driven him away from the School premises. Subsequently, the petitioner came to know that the said School was run based on the registered lease agreement, stated above, without his knowledge. It is also stated by the petitioner that the said property was purchased by her mother and the property stands in her name. According to the petitioner, the fourth respondent has not given him the accounts maintained by the School nor paid the rent to the other joint family holders. Since the property is a joint family property, they cannot run the School without the petitioner's consent. Police complaint was also lodged before Ranipet Police Station. Hence, the petitioner sent a representation dated 12.02.2016 to the respondents 1 to 3 to take action against the respondents 4 and 5 from allowing admission for the 2016-2017. But, no action has been taken till today. Therefore, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. Taking into consideration the above facts and also taking note of the submissions made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the third respondent to consider the said representation of the petitioner, dated 12.02.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of the order.

5. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn

To

1.The District Elementary Educational Officer
Vellore Fort Round Complex, Vellore.

2.The Chief Educational Officer,
B-Block, 3rd Floor,
O/o. The Collectorate Complex,
Sathuvachari, Vellore-9.

3.The Director of Elementary Education,
College Road, Chennai- 600 006.

+1cc to Mr.K.H.Ravikumar, Advocate, S.R.No.42356

+1cc to the Government Pleader, S.R.No.42836

W.P.No.16486 of 2016

GP(CO)
CA(30/06/2017)

सत्यमेव जयते

WEB COPY