

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM:

THE HON 'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.31136 of 2015

T.Benny Rajan

... Petitioner

Versus

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Director of Elementary School Education,
Chennai-6.
- 3.The Chief Educational Officer,
Nazarathpet, Kancheepuram.
- 4.The District Elementary Educational Officer,
Nazarathpet, Kancheepuram.
- 5.Pramila .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 2 to 4 to consider and pass orders on the representations of the petitioner dated 14.07.2015 and 31.08.2015 in respect of the unauthorized running of the school by the 5th respondent in premises bearing Door No.33-A, Parameswaran Street, Dr.Ambedkar Nagar, Old Pallavaram, Chennai-43 and to initiate necessary legal action against the 5th respondent in accordance with law.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.V.Anandhamurthy, AGP.

1 to 4

For R5 : NA

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider and pass orders on the representations of the petitioner dated 14.07.2015 and 31.08.2015 in respect of the unauthorized running of the school by the 5th respondent in premises bearing Door No.33-A, Parameswaran Street, Dr.Ambedkar Nagar, Old Pallavaram, Chennai-43 and to initiate necessary legal action against the 5th respondent in accordance with law.

2. The case of the petitioner is that the property bearing Door No.33-A, Paramaeswaran Street, Dr.Ambedkar Nagar, Old Pallavaram, Chennai-43 belongs to him and his brothers, namely, Panneerselvam and Arulraj. While so, one Parimala, the 5th respondent herein, who is the sister of the petitioner trespassed into the same and started running a Nursery School under the name and style of "Elizabeth Nursery". In this regard, the petitioner and his brothers have sent a representation to the District Elementary Educations Officer, Tambaram, who in turn, has taken steps and advised the general public not to admit their children in the said unauthorized Nursery School run by the 5th respondent and a notification to that effect was also issued in the Newspapers. In this regard, a suit in O.S.No.242/2014, which is filed by the petitioner and his younger brother T.Arulraj before the Subordinate Court, Tambaram, is still pending. Hence, the petitioner sent a representations to the 1st respondent on 14.08.2015 and 31.08.2015 marking a copy to the respondents 2 to 4. Since his representations have not been considered, the petitioner is before this Court with this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

4. Considering the limited prayer made in the writ petition, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the 4th respondent to consider and pass orders on the representations of the petitioner dated 14.08.2015 and 31.08.2015 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order, after giving an opportunity of personal hearing to the petitioner as well as the 5th respondent.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Director of Elementary School Education,

Chennai-6

3.The Chief Educational Officer,
Nazarathpet, Kancheepuram.

4.The District Elementary Educational Officer,
Nazarathpet, Kancheepuram.

+1 cc to Mr.V.Kannan,advocate,sr.20536

+1 cc to Govt.Pleader,sr.20906.

sr(co)
krd 21/4

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