



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND**

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.A.[MD].No.273 of 2017

and

C.M.P.[MD].No.2891 of 2017

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
 - 2.The Joint Director of School Education(Secondary),
Office of Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.
 - 4.The District Educational Officer,
Pudukkottai District,
Pudukkottai.
- : Appellants / Respondents 3 to 6

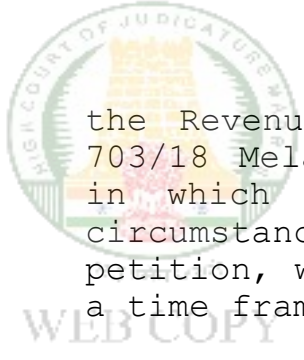
vs.

- 1.S.M.M.Aru.Alamelu Arunachalam High School,
Panayapatti-622 406,
Pudukkottai District,
Represented by its Secretary,
M.Murugappan
 - 2.The District Collector,
Pudukkottai District,
Pudukkottai.
 - 3.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
- : 1st Respondent/ Writ Petitioner
- : 2nd & 3rd Respondents/Respondents 1& 2

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 21.11.2013 in W.P.(MD).No.17936 of 2013, on the file of this Court.

Prayer in WP(MD). 17936/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to grant renewal of recognition to the petitioner school from 1.7.2019 onwards by considering the proposals submitted by the petitioner shcool dated 3.5.2013 without insisting for No objection Certificate/Clearance Certificate from



the Revenue Department in respect of the land in S.No.697/6 and 703/18 Melapanaiyur Village, Thirumayam Taluk, pudukottai district in which the petitioner school is located, in the facts and circumstances stated in the affidavit filed in support of the Writ petition, with all consequential and other attendant benefits within a time frame to be fixed by this Honble Court.

For Appellants : Mr.V.R.Shanmuganathan
Special Government Pleader
For R1 : Mr.G.Sankaran
For R2 & R3 : Mr.V.Muruganantham,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

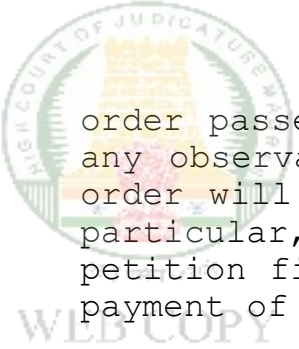
Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.G.Sankaran, learned counsel appearing for the 1st respondent/writ petitioner.

2.This appeal filed by the Director of School Education and his officers, is directed against the order passed in W.P.[MD]No.17936 of 2013 dated 21.11.2013. The Writ Petition was filed by the first respondent herein, for a direction upon the appellants herein, to grant renewal of recognition for their school from 01.07.2009, considering their application, without insisting for No Objection Certificate from the Revenue Department.

3.The problem arose on account of the fact that the school was established in Government land. However, the school has been established in the year 1949 and as of now, it is upgraded as High School. Up to the year 2009, there were no issue in obtaining the renewal of recognition. But the problem arose in 2009 because, when the Government in principle, agreed to transfer the lands to the 1st respondent on payment of appropriate value, the 1st respondent did not comply with the condition.

4.Subsequently, there was revision of rates and a demand for payment of Rs.2 Crores has been sent to the 1st respondent being the value of the land, so that, the land could be transferred to the school. This demand has been challenged by the 1st respondent by filing a separate writ petition and the same is pending.

5.The learned single Judge, in our considered view, has rightly allowed the writ petition bearing in mind the interest of the children who are studying in the school. The consequences of non-renewal of recognition would be fatal to the institution and it may lead to closure. Therefore, the Court has appropriately balanced the interest of both parties and issued appropriate direction in the Writ Petition. Therefore, we are not inclined to interfere with the



order passed in the Writ Petition. However, we make it clear that any observation made by the learned single Judge or by us in this order will in no manner prejudice the rights of the parties and in particular, the rights of the appellants in the pending writ petition filed by the 1st respondent challenging the demand made for payment of the land value.

6. With the above observations, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

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Pudukkottai.
 6. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
- +1 CC to M/s. G. SANKARAN, Advocate, SR No. 18725
+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 18927
MYR
PSM/MR/SAR3/20.04.2017/3P/9C

JUDGMENT MADE IN
W.A. [MD]. No. 273 of 2017
28.03.2017