



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.10409 of 2017

S.Namashivayam

... Petitioner

-vs-

1. The Chief Education Officer,
Office of the Chief Education Officer,
Madurai, Madurai District.
2. The District Elementary Education Officer,
R.M.S.Road, Madurai-01, Madurai District.
3. Gandhimathi ammal,
Correspondent,
Meenakshi Nursery and Primary School,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to take action against the third respondent based on the proceedings of the first respondent, dated 29.05.2015 by considering the petitioner's representation dated 01.06.2016.

For Petitioner	:	Mr.K.Samidurai
For Respondents 1&2	:	Mr.G.Muthukannan Government Advocate

O R D E R

The prayer sought for by the petitioner in this writ petition is for issuance of Writ of Mandamus directing the second respondent to take action against the third respondent based on the proceedings of the first respondent, dated 29.05.2015, by considering the petitioner's representation dated 01.06.2016.

2. The case of the petitioner is that he is the owner of the property in Door No.123, Town Hall Road, Madurai and he leased out the property to the third respondent for running a school by an agreement of lease dated 01.06.2015. The petitioner would claim that the lease period was only for three years and subsequently, it was not renewed. Since the building is more than 50 years old, the petitioner requested the third respondent to vacate the building for the purpose of renovation/reconstruction. The petitioner also filed R.C.O.P.No.2 of 2010, on the file of the Principal District Munsif

Court, Madurai for eviction and the same is pending.

3. The petitioner would further state that the third respondent had applied for renewal of recognition from 28.05.2011 to 27.05.2014, but it was returned by the Authorities, since the condition of the building is precarious. The first respondent, after considering all these aspects, by order dated 29.05.2015, cancelled the recognition granted in favour of the third respondent School. However, the third respondent School has admitted the students event now without proper recognition. Hence, a representation dated 01.06.2016 was sent to the respondents by the petitioner for appropriate action. Since no favourable order was passed, the present Writ Petition is filed.

4. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. Considering the limited prayer sought for in this Writ Petition, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 01.06.2016 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after providing opportunity to all the necessary parties.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Education Officer,
Office of the Chief Education Officer,
Madurai, Madurai District.
2. The District Elementary Education Officer,
R.M.S.Road, Madurai-01,
Madurai District.

+ 1 CC TO Mr.K.SAMIDURAI, ADVOCATE IN SR No. 65203
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65300

SSL

<https://hcservices.ecourts.gov.in/hcservices/>

TE/MR-KRR/SAR-1 : 31/07/2017 : 2P/5C

W.P (MD) No.10409 of 2017
12.07.2017