



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No. 15875 of 2017

and

W.M.P (MD) Nos. 12551 and 12552 of 2017

WEB COPY

The Mountain CBSE School
rep. By its
The Correspondent,
Old Ramanathapuram Road,
Near Amutha Theatre,
Manamadurai,
Sivagangai District.

... Petitioner

Vs.

1. The Director of Elementary Education,
School Education Department,
DPI Complex,
College Road,
Chennai.
2. The Chief Educational Officer,
Sivagangai,
Sivagangai District.
3. The District Educational Officer,
Sivagangai,
Sivagangai District.
4. The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 01.06.2017 issued by the third respondent and quash the same and consequently direct the respondents to permit the petitioner to remove all the movable properties of the school from Door No.37, Old Ramanathapuram Rastha, Manamadurai, Sivagangai District so as to handover the building to its owner.

For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.A.Muthukaruppan
Addl. Govt. Pleader

**ORDER**

This writ petition has been filed challenging the impugned order dated 01.06.2017 issued by the third respondent and seeking a direction to the respondents to permit the petitioner to remove all the movable properties of the school from Door No.37, Old Ramanathapuram Rastha, Manamadurai, Sivagangai District so as to handover the building to its owner.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.It is seen that the petitioner was running a school upto 3rd standard in the name and style of the Mountain CBSC School at Old Ramanathapuram. Since the petitioner was running the school without prior permission, the third respondent passed the impugned order locking the school premises. In the affidavit, the petitioner has given undertaking that he is not going to run the school in the subject premises and the building can be handed over to the owner and he is only a tenant.

4.In the light of the above facts, the order impugned in this writ petition is set aside and the matter is remanded back to the third respondent for fresh consideration. The third respondent shall consider the undertaking given by the petitioner and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
School Education Department,
DPI Complex,
College Road,
Chennai.

2. The Chief Educational Officer,
Sivagangai,
Sivagangai District.



3. The District Educational Officer,
Sivagangai,
Sivagangai District.

4. The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

+1cc to Mr.D.Sadiq Raja, Advocate SR.No.74135

+1cc to The Spl. Government Pleader Sr.No.74709

SKN

VB/MR/KKR/SAR2/05/09/2017/3P/7C

W.P. (MD) No.15875 of 2017
23.08.2017