

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

W.P.No. 18077 of 2018

And

W.M.P.No. 21354 of 2018

Sri. Gurukulam Educational Trust

Rep. by V.P. Swaminathan
Trustee

Reddiputhu, Puthansanthai
Namakkal District.

..... Petitioner

Vs.

1. The District Collector,
Collectorate,
Namakkal District.

2. The Superintendent of Police,
District Superintendent of Police,
Nammakal District

3. The Inspector of Police,
Rural Police Station,
Puthuchathiram, Namakkal District.

4. Venkatachalam

..... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to recover the school buses bearing Reg. Nos. T N 28 A P 9906, T N 28 A Q 3757, TN 28 A R 2682, T N 88 - 0533 and T N 28 A Q 3772 belongs to the petitioner trust from the 4th respondent and handover the same to the petitioner trust forthwith and consequently direct the respondents 1 to 3 to provide police protection to the petitioner's school viz. Sri. Gurukulam Matriculation School, Reddiputhur, Puthansanthai, Namakkal District.

For Petitioner : Mr.A.Gokulakrishnan

For RR 1 to 3 : Mr.D.Raja
Additional Government Pleader

For R4 : Mr.D.Abarar Abdullah

O R D E R

There appears to be running legal battle between the trustee of Sri. Gurukulam Educational Trust, which has resulted one Mathumathi filing a scheme suit in O.S.No. 287 of 16 before the learned Sub Court, Namakkal. While so, the petitioner claiming himself to be the one of the trustee, has filed the present Writ Petition with the above prayer.

2. Heard Mr.A.Gokulakrishnan, learned counsel for the petitioner; Mr.D.Raja, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.D.Abarar Abdullah, learned counsel for the fourth respondent.

3. Mr.A.Gokulakrishnan, learned counsel for the petitioner submitted that the trust is running a School in Namakkal and the School had five vehicles for ferrying children and that, the fourth respondent has taken forcible possession of the five vehicles on 6.07.2018 and on account of which, the school children are put to great hardship.

4. Per contra, Mr.D.Abarar Abdullah, learned counsel appearing for the fourth respondent submitted that on account of the dispute between trustees, the payments were not made to the financier and the cheque issued by the trustees has bounced, resulting in the financiers initiating prosecution under Section 138 of the Negotiable Instrument Act as against the fourth respondent.

5. Thus, when a scheme suit is pending and disputed questions of fact are involved, a Writ under Article 226 of the Constitution of India cannot be issued as prayed for by the petitioner. Hence, this Petition is closed. However, this Court directs the Sub Judge, Namakkal, to refer the trustees to the local mediation centre so that the matter can be amicably settled in the interest of the educational institution and students. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

smv/vsg

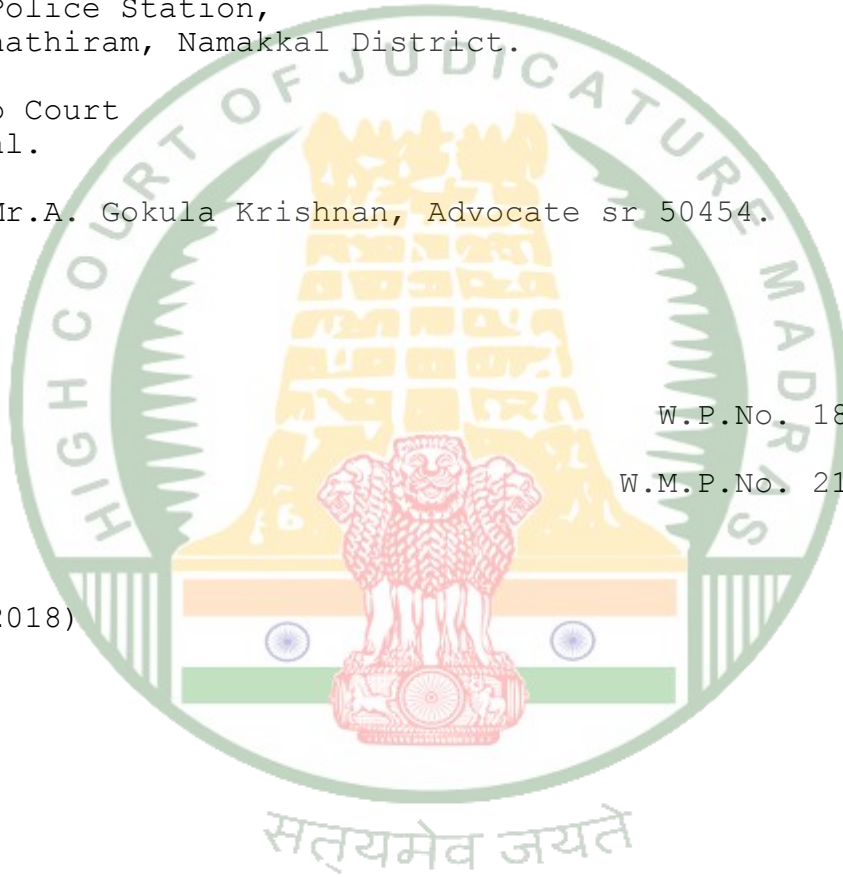
To

1. The District Collector,
Collectorate,
Namakkal District.
2. The Superintendent of Police,
District Superintendent of Police,
Namakkal District
3. The Inspector of Police,
Rural Police Station,
Puthuchathiram, Namakkal District.
4. The Sub Court
Namakkal.

+1 CC to Mr.A. Gokula Krishnan, Advocate sr 50454.

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SP(07/08/2018)



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