



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.404 of 2018

and

W.M.P. (MD) No.409 of 2018

Annai Theresa Paramedical College,
Represented by its Director,
S.Maheswari

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by Chief Secretary,
Health & Family Welfare Department,
Fort St.George,
Chennai-600 009.

2.The Joint Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
Collectorate Complex,
Virudhunagar-616 003.

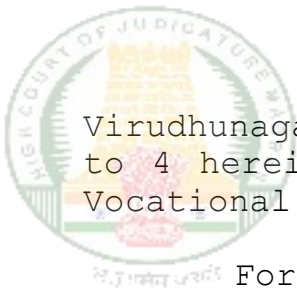
3.The Tahsildar,
Taluk Office, Aruppukottai,
Virudhunagar District.

4.The Inspector of Police,
Town Police Station,
Aruppukottai Town,
Virudhunagar District.

5.Bharat Sevak Samaj,
National Development Agency,
Promoted by Government of India,
Sat Bhavana Bhavan,
Kowdiar Post,
Thiruvananthapuram,
Kerala State.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 herein to remove the lock and seal made in the petitioner institution namely Annai Theresa Paramedical College, Marakkadai Bus Stop, Thiruchuli Road, Aruppukottai Town,



Virudhunagar District and consequently forbearing the respondents 2 to 4 herein from interfering with their Academic functioning as a Vocational Course Centre.

For Petitioner : Mr.M.Thirunavukarasu

For R1 to R4 : Mr.Aayiram K.Selva Kumar,
Additional Government Pleader.

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ORDER

The Writ Petition has been filed seeking direction to the respondents 2 to 4 herein to remove the lock and seal made in the petitioner institution, namely Annai Therasa Paramedical College, Marakkadai Bus Stop, Thiruchuli Road, Aruppukottai Town, Virudhunagar District.

2.According to the petitioner, the petitioner is conducting Vocational Training Course within the meaning of Apprentices Act, 1961. They also got approval from the fifth respondent for conducting the said course. But, now, the respondents, without issuing any notice whatsoever, locked and seal the premises on the ground that they are running institution without any proper approval from the authorities.

3.Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner filed an affidavit stating that they are running the institution in a rented building and the owner of the building insisted the petitioner to vacate the premises. In the above circumstances, the petitioner is prepared to wound up the college. The relevant portion of the undertaking reads as follows:-

"4.I respectfully submit that the institution is situated in rented building and the owner of the building insisting me to vacate the same. In view of the closure of the petitioner's college, we are prepared to wound up the college and hence I hereby undertake to take away all the belongings by vacating the premises and I am filing this Affidavit to that effect.

5.I respectfully submit that I have been paying rent to the owner even though it is closed an sealed. On the basis of my undertaking the premises may be opened by removing the seal enabling me to take all the material and hand over the building to the owner.

6.I respectfully submit that in view of the undertaking, the respondents may not have any apprehension, as I have undertaken not to run any such courses in future."

4.The learned Additional Government Pleader, on instructions, submitted that the authorities are willing to accept



the undertaking affidavit filed on behalf of the petitioner and on the above undertaking, they are willing to remove the lock and seal.

5. Considering the facts and circumstances of the case, since the petitioner himself undertakes to wound up the college and he also given undertaking that they will not run college in future, the respondents are directed to remove the lock and seal put up in the petitioner institution. It is also made clear that after removing the lock and seal, if the petitioner runs the college, it is always open to the respondents to lock and seal the premises, without issuing any notice to the petitioner.

6. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
State of Tamil Nadu,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.
 2. The Joint Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
Collectorate Complex,
Virudhunagar-616 003.
 3. The Tahsildar,
Taluk Office, Aruppukottai,
Virudhunagar District.
 4. The Inspector of Police,
Town Police Station,
Aruppukottai Town,
Virudhunagar District.
- +1cc to Mr.M.THIRUNAVUKKARASU, Advocate, SR.43854

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