



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9935 of 2018

and

W.M.P. (MD) No.9098 of 2018

India Evangelical Lutheran
Church Nagercoil Synod,
Represented by its Secretary,
V.A.Raj,
14/92, Luther Nager, Valliyoore,
Tirunelveli District.

: Petitioner

Vs.

1. The Director of School Education,
DPI Compound,
Chennai-600 006.
2. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
3. India Evangelical Lutheran Church (IELC),
Represented by its General Treasurer,
R.Vijayakumar,
No.47, Eldams Road, Teynampet,
Chennai-600 018.
4. S.Muthuraj
5. Manuel Yesuraj
6. K.Baul Sundar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.1827/Aa1/2017 dated 13.04.2018 and quash the same and further direct the second respondent to approve the appointment of Correspondent based on the appointment made by the petitioner.

For Petitioner : Mr.D.Selvam,
For Mr.B.Saravanan
For R1 and R2 : Mr.V.Anand,
Government Advocate.
For R5 : Mr.J.Barathan

**ORDER**

Heard Mr.D.Selvam, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents 1 and 2 and Mr.Barathan, learned counsel, who takes notice on behalf of the 5th respondent.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The impugned order came to be passed, pursuant to the directions of this Court in W.P.(MD)Nos.20055 and 22564 of 2015 dated 06.03.2018, wherein the competent authority was directed to consider the proposals, after giving due opportunity to all the parties concerned.

4.On a perusal of the impugned order, it is seen that no such opportunity was given to the petitioner and as such, it is not only a violation of principles of natural justice but also of the order of this Court.

5.In view of the same, the impugned order dated 13.04.2018 in Na.Ka.No.1827/Aa1/2017 passed by the second respondent is quashed and the matter is remanded back to the second respondent by considering afresh, after giving due opportunity to all the persons, who may be interested in the subject property. Such an exercise shall be done, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view, with regard to the merits of the claim made by the petitioner in his affidavit.

6.With the above observation, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
DPI Compound, Chennai-600 006.
2. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 63967
+ 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 64362