



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13451 of 2018

and

W.M.P (MD) No.12265 of 2018

Shalem Nursery and Primary School,
Represented by its Correspondent,
Dr.M.Vedamani,
45/1, Sennathi Street,
Thiruparankundram,
Madurai-625 005.

...Petitioner/Petitioner

Vs.

1. The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police,
O/o.the Assistant Commissioner of Police,
Thirupparankundram,
Madurai.

3. The Inspector of Police,
Thirupparankundram Police Station,
Madurai.

....Respondents/Respondents

4. The Deputy Commissioner/Executive Officer,
Hindu Religious and Charitable
Endowments Board,
Arulmigu Subramaniaswami Thirukovil,
Thiruparankundram,
Madurai District.

...Respondent/Proposed

Respondent No.4

(R4 is impleaded vide court order dated 09.07.2018)

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents not to interfere with the administration of the petitioner's school situated at Door No.45/1, Sannadhi Street, old Natham Survey No.874/2, an extent of 0.10.12 measuring 25 cents (10900 sq.feet) in Thiruparankundram Village,



presently Thirupparankundram Taluk, Madurai District.

For Petitioner : Mr.T.Lajapathi Roy,

For R1 to R3 : Mr.P.Kannithevan,
Additional Government Pleader

For R4 : Mr.VR.Shanmuganathan,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents not to interfere with the administration of the petitioner's school situated at Door No.45/1, Sannadhi Street, old Natham Survey No.196/14A, New Natham Survey No.874/2, an extent of 0.10.12 measuring 25 cents (10900 sq.feet) in Thiruparankundram Village, presently Thirupparankundram Taluk, Madurai District.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the fourth respondent.

3.According to the petitioner, he entered into a lease agreement with one I.David Thomas and the petitioner was running a Shalem Primary and Nursery School and the third respondent trying to interfere with the petitioner's possession and hence, he has filed a present writ petition before this Court for the aforesaid prayer.

4.The learned Government Advocate appearing for the respondents 1 to 3, filed a status report before this Court and submitted that the allegations of the petitioner are denied and the third respondent has provided the Bandobast to the said School only for the purpose of protecting the students, who were studying in the said school and for avoiding un-necessary problems. Subsequently, an enquiry was conducted and there was an amicable settlement between both parties namely the petitioner and the landlord, therefore, the complaint was closed.

5.In the earlier round of litigation, the petitioner filed a writ petition in W.P(MD)No.9328 of 2018 and this Court has passed an order, dated 25.04.2018 on the basis of the statement made by Mr.VR.Shanmuganathan, learned Special Government Pleader, the respondent would evict the petitioner only by following procedure laid down under Section 78 of the Hindu Religious and Charitable Endowments Act. Therefore, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the impleading respondent would submit that the eviction process has been initiated by the Department, as directed by this Court in W.P(MD)



No.9328 of 2018.

6. Recording the aforesaid statement and also considering the status report filed by the third respondent, no further adjudication is required in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
Thirupparankundram,
Madurai.
3. The Inspector of Police,
Thirupparankundram Police Station,
Madurai.
4. The Deputy Commissioner/Executive Officer,
Hindu Religious and Charitable
Endowments Board,
Arulmigu Subramaniaswami Thirukovil,
Thiruparankundram,
Madurai District.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 71875

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AE/SKN RSK/SAR1/23.07.2018/3P/6C

W.P. (MD) No.13451 of 2018
09.07.2018