

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.Nos.13155 of 2018 and 16694 of 2018  
and

W.M.P.Nos.15466, 15798, 22420, 19897 and 19898 of 2018

N.A.P.Middle School,  
No.16, Thyappa Mudali Street,  
George Town,  
Chennai - 600 001,  
Rep.by its Correspondent  
T.Subashini.

...Petitioner  
[ in both W.Ps ]

Vs.

- 1.The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai - 600 006.
  - 2.The Chief Educational Officer,  
Panagal Building,  
Saidapet, Chennai - 600 006.
  - 3.The District Elementary Educational Officer,  
DPI Campus, College Road,  
Chennai - 600 006.
  - 4.The Assistant Elementary Educational Officer,  
Davidson Street,  
George Town,  
Chennai - 600 001.
  - 5.A.S.Madhan Kumar
  - 6.M.Ramani
  - 7.The Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.
  - 8.The Revenue Divisional Officer,  
Tondiarpet,  
Chennai - 81.
- [ R7 & R8 are Suo Motu impleaded as per

order of this Court dated 03.07.2018 in  
W.P.No.13155 of 2018 ]

...Respondents  
[ in W.P.No.13155 of 2018 ]

1.The District Collector,  
Chennai District,  
Chennai.

2.The Competent Authority / Revenue Divisional Officer,  
Tondiarpet Division,  
Chennai - 600 081.

3.A.S.Madhan Kumar

4.M.Ramani ...Respondents  
[ in W.P.No.16694 of 2018 ]

PRAYER in W.P.No.13155 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, forbearing the respondents 1 to 4 from interfering with functioning of the petitioner school, a recognised school under the provisions of Tamil Nadu Recognized Private Schools (Regulation) Act at No.16, Thyappa Mudali Street, George Town, Chennai - 600 001, except by following the procedure established by law.

PRAYER in W.P.No.16694 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, to call for the records relating to the impugned order issued by the 2<sup>nd</sup> respondent in Proce.No.A1/1010/2018, dated 04.06.2018 and to quash the same.

For Petitioner : Mr.G.Sankaran  
(in both W.Ps)

For Respondents : Mr.S.Mohan  
for R5 & R6 (in W.P.No.13155 of 2018)  
for R3 & R4 ( in W.P.No.16694 of 2018)  
No appearance for R1 & R2  
(in WP 16694/18)  
Mr.V.C.Selvasekaran for R7  
( in WP 13155 of 2018)

R1 o 4 7 8 : No appearance (in WP 13155 of 2018)

## COMMON ORDER

W.P.No.13155 of 2018 has been filed to forbear the respondents 1 to 4 from interfering with functioning of the petitioner school, a recognised school under the provisions of Tamil Nadu Recognized Private Schools (Regulation) Act at No.16, Thyappa Mudali Street, George Town, Chennai - 600 001, except by following the procedure established by law.

2. Writ petition No.16694 of 2018 has been filed to quash the impugned order passed by the 2<sup>nd</sup> respondent in Proce.No.A1/1010/2018, dated 04.06.2018, thereby prohibiting the petitioner from using the building at Door No.16, Thyappa Mudali Street, Seven Wells, Chennai - 600 001, for running N.A.P.Middle School.

3. Mr.G.Sankaran, learned counsel for the petitioner would argue that the impugned order has been passed in violation of principles of natural justice, since no opportunity was provided to the writ petitioner, before passing the order. It is further contended that the private respondents have already filed R.C.O.P, to evict the writ petitioner, however during pendency of the proceedings, the private respondents are causing damages to the building. The learned counsel for the petitioner has further stated that no inspection was conducted as stated in the impugned order.

4. Per contra, the learned counsel for the respondents would submit that the building, in which, the writ petitioner is running the school is in a dilapidated condition and no proper permission was obtained from the competent authorities. He further urged that the impugned order was passed only after issuing notice to the writ petitioner and hence, there is no violation of principles of natural justice.

5. Considering the facts of the case and also taking note of the grievances expressed by the petitioner, this Court is of the view that the impugned order dated 04.06.2018 needs to be set aside on the ground of violation of principles of natural justice. Accordingly, it is set aside and the matter is remitted back to the second respondent, who shall pass orders afresh, after providing an opportunity of personal hearing to the petitioner, on merits and in accordance with law, within a period of three months. Till such time, the respondents shall maintain status quo as on date.

6. In fine, these Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

- 1.The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai - 600 006.
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- 7.The District Collector,  
Chennai District,  
Chennai.
- 8.The Competent Authority / Revenue Divisional Officer,  
Tondiarpet Division,  
Chennai - 600 081.

+2ccs to Mr.S.Mohan, Advocate SR.No.7707,7708

+1cc to Mr.G.Sankaran, Advocate SR.No.7943

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and  
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NRL (CO)  
GMY (27/02/2019)



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