



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14669 of 2019

and

W.M.P.No.14666 of 2019

Literacy Mission Matriculation Higher
Secondary School,
Represented by its Principal
Karanampettai-Somaur Road,
Samalapuram,
Tiruppur-641 663.

...Petitioner

Vs.

1. The Superintendent of Police (Rural)
Collectorate Building,
Behind LRG College,
Palladdam Road, Tiruppur-641 601.
2. The Deputy Superintendent of Police,
Main Road,
Near Palladam Police Station,
Paladdam, Tiruppur-641 664.
3. The Inspector of Police,
Mangalam Police Station,
Paladam Road,
Mangalam - 641 663
Tiruppur District.
4. M.Subramaniam
5. G. Rathinasabapathy
6. G.Manoharan
7. M.Ganesan
8. M.Srinivasan
9. Thangaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 3 herein to provide police protection to the petitioner School in order to enable the School Committee of the petitioner School to conduct the smooth functioning of the school by acting on the complaint/representation dated 13.05.2019.



For Petitioner : Mr. V.P.Sengottuvel

For Respondents

No.1 to 3 : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

For Respondents

No.4 to 9 : Mr.T.N.Sugesh

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ORDER

This Writ Petition has been filed seeking for police protection to the petitioner to enable the School Committee to smoothly run the day-to-day operations in the school.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police and the learned counsel appearing on behalf of the respondents 4 to 9.

3. The crux of the case is that there is a dispute between the trustees who have made rival claims with regard to the management of the school. The petitioner is claiming right to run the school pursuant to the resolution dated 16.01.2019, wherein the School Committee was appointed by the Trust. According to the petitioner, the respondents 4 to 9 do not have any right to interfere with the functioning of the school. On the other hand, the learned counsel appearing on behalf of the respondents 4 to 9 submitted that the resolution itself is not sustainable and the petitioner do not have any right to stop the respondents from participating in the management of the school. The learned counsel further submitted that a suit was filed by the Trust in O.S.No.52 of 2019 on the file of the Principal District Judge at Tirppur claiming for the relief of permanent injunction restraining the defendants from in any way interfering with the property of the Trust.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the police have given protection to the school, keeping in mind the interest of the children, who are studying in the school and to ensure that no unnecessary disturbance is caused at the time of admission. Now that, the admission is over, the respondent police do not want to continue with the police protection and the rival claimants will have to work out their remedy only in the pending suit and the police cannot undertake the task of deciding as to the trustees who will be entitled to run the school. Therefore, the learned counsel submitted that the respondent police do not want to continue to provide police protection to the school.



11. In the result, this Writ Petition is disposed of with the direction to the 3rd respondent to continue the police protection that was already granted by this Court, for a further period of three weeks. In the meantime, the petitioner is directed to take steps to initiate proceedings before the appropriate court and work out its remedy in accordance with law. It is made clear that the police protection will cease to exist after the expiry of three weeks. It goes without saying that the police protection will continue on the payment of the necessary charges as directed by this Court by its order dated 25.03.2019. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police (Rural)
Collectorate Building,
Behind LRG College,
Palladdam Road,
Tiruppur-641 601.

2. The Deputy Superintendent of Police,
Main Road,
Near Palladam Police Station,
Paladdam,
Tiruppur-641 664.

3.The Inspector of Police,
Mangalam Police Station,
Paladam Road,
Mangalam - 641 663
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.U.P.Sengottuvel, Advocate, SR.No.48459
(dated: 14/06/2019)

W.P.No.14669 of 2019
and
WMP No.14666 of 2019

Kak(13/06/2019)