

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.8302 of 2017 & WMP.No.9090 of 2017

Sri Nandhanam Educational &
Social Welfare Trust, Tirupathur,
Vellore District rep.by its
Chairman P.M.N.Mohan Krishnaa ...Petitioner

Vs

1.The Director (Approval), the All
India Council for Technical
Education, 7th Floor, Chander
Lok Building, Janpath, New Delhi-1.

2.The Southern Regional Officer,
All India Council for Teacher Education,
Shastri Bhavan, 26, Haddows Road,
Chennai-6. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the second respondent issued in F.No.AICTE/SRO/NOC/4093 dated 06.3.2017, quash the same and consequently direct the second respondent to pass order to release 2 joint FDRs in FDR No.877291 dated 11.11.2014 and FDR No.877292 dated 11.11.2014 for Rs.15,00,000/- each within a time frame to be fixed by this Court.

For Petitioner : Mr.A.M.Maheshnath
For Respondents : Mrs.AL.Gandhimathi

ORDER

I have heard Mr.A.M.Maheshnath, learned counsel for the petitioner and Mrs.AL.Gandhimathi, learned Standing Counsel for the respondents.

2. This writ petition has been filed seeking to quash the proceedings of the second respondent dated 06.3.2017. By the impugned order, the petitioner has been informed that the All India Council for Technical Education will not be in a position to give a discharge so as to encash the two fixed deposits, which have been created in the Bank of India, Anna Nagar (Chennai) Branch both dated 11.11.2014 for Rs.15 lakhs each

because there is an inter se dispute between the trustees.

3. The said fixed deposits were created to enable the petitioner institution to conduct two courses namely MBA and MCA from the academic session 2006-07. The understanding was that the said courses should be conducted for a period of eight years and that if the courses are successfully conducted, then the fixed deposits can be encashed and the educational agency can appropriate the amounts.

4. The case of the petitioner is that eight years lapsed and that the All India Council for Technical Education should give a discharge so that the amounts lying in fixed deposits can be encashed by the petitioner trust. However, the second respondent, by the impugned communication, referred to the inter se disputes between the trustees and informed the petitioner that unless the same is resolved, they cannot give any consent for dissolving the fixed deposits.

5. The learned counsel for the petitioner submits that the petitioner institution conducted the courses for a period of eight years, that the All India Council for Technical Education need not have any concern about any dispute among the trustees and that they are bound to release the amounts lying in fixed deposits, which were created with a specific understanding that after eight years, the same will be released.

6. The learned Standing Counsel for the respondents, on instructions, submits that a suit has been filed in O.S.No.54 of 2012 on the file of the Subordinate Court, Tirupathur, Vellore District by Mr.P.M.N.Mohan Krishnaa, who has filed this writ petition in the capacity of chairman of the trust and the defendant in the suit is one Mrs.N.S.Arana, who is none other than the brother's wife of Mr.P.M.N.Mohan Krishnaa.

7. It is seen that the said suit was dismissed for default on 10.12.2015.

8. However, the learned counsel for the petitioner submits that the said suit has since been restored, it is now pending before the Trial Court.

9. It is also seen that the said suit is for a comprehensive relief i.e for a declaratory relief to declare the plaintiff as the managing trustee of the petitioner trust. Therefore, the petitioner has to pursue his remedy before the civil court and ultimately if he succeeds in the civil proceedings, it goes without saying that the All India Council for Technical Education will abide by the decree of the civil court subject to any appeal being filed by the party, who is unsuccessful. Till then, the amounts shall be in the fixed deposit. The fixed deposits shall be renewed automatically and the interest accrued thereon shall be added to the fixed deposit amounts so that further interest will be generated. Since the Bank of India, Anna Nagar (Chennai) Branch is not a party to this writ petition, Registry is directed to mark a copy of this order to the Branch Manager, Bank of India, Anna Nagar (Chennai) Branch.

10. With the above directions, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Director (Approval), All India Council for Technical Education, 7th Floor,

Chander Lok Building, Janpath, New Delhi-1.

2.The Southern Regional Officer, All India Council for Teacher Education,

Shastri Bhavan, 26, Haddows Road, Chennai-6.

3.The Branch Manager, Bank of India, Anna Nagar (Chennai) Branch.

4.The Subordinate Judge,

Subordinate Court,

Tirupathur, Vellore District.

+1cc to Mr.G.Sankaran , Advocate SR.No. 104262

+1cc to M/s.A.L.Gandhimathi , Advocate SR.No. 103816

WP.No.8302 of 2017&

WMP.No.9090 of 2017

A.SK(28/01/2020)