



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

W.P. (MD) No.3623 of 2019

Mahatma Gandhi-Kasturba Nursery & Primary School,
3/27, Veerarpatti, Virudhunagar Taluk,
Virudhunagar District represented
by its Correspondent V.Sumathi

... Petitioner

Vs

1.The District Educational Officer,
District Educational Office,
District Collector Office,
Virudhunagar,
Virudhunagar District.

2.The Block Educational Officer,
Block Educational Office,
District Collector Office,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to change the petitioner's name as the Educational Agency of the Mahatma Gandhi-Kasturba Nursery & Primary School, 3/27 Veerarpatti, Virudhunagar Taluk, Virudhunagar District as per the recitals of the Registered Will dated 08.09.2017.

For Petitioner	: Ms.S.Mahalakshmi
For Respondents	: Mrs.S.Srimathy Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's school was started by one Seenivasagam in the year 2001. He passed away on 15.07.2018. The said school founder is said to have executed a registered Will dated 08.09.2017 in favour of his granddaughter namely., Sumathi, the school in question. The petitioner has given representation dated 28.01.2019 requesting the authority to make changes in the records, so as to reflect her name as the educational agency of the school. Since the said request was not acted upon, this writ petition came to be filed.



3. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents pointed that the deceased Seenivasagam had as many as seven legal heirs. The petitioner must obtain "No Objection Certificate" from them. Only then, it is possible to consider the writ petitioner's request. The petitioner's counsel pointed that all the legal heirs have formed a committee and that the committee has passed resolution in favour of the writ petitioner. But then, I am of the view that the legal heirs will have to give a formal No Objection Certificate in favour of the writ petitioner. As and when such No Objection Certificate is produced by the writ petitioner, the respondents shall make the changes sought for.

4. The writ petition stands allowed subject to the aforesaid conditions. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The District Educational Officer,
District Educational Office,
District Collector Office,
Virudhunagar,
Virudhunagar District.

2. The Block Educational Officer,
Block Educational Office,
District Collector Office,
Virudhunagar,
Virudhunagar District.

+1. C.C. to M/S.S. Mahalakshmi, Advocate SR.No. 60905
+1 cc to Special Government Pleader, SR.No. 60756

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