

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATE: 16.07.2019****CORAM****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****W.P. (MD) .No.3091 of 2019**

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K.Pandy,
Secretary of the Usilampatti Nattathi Nadar
Uravinmuraikku Pathiyamana Nadar Saraswathi
Higher Secondary School and Primary School
Paribalana Sabai,
Registration No.35/61,
Madurai District.

... Petitioner

-Vs-

1. The Deputy Inspector General of Police,
Madurai Range,
Madurai.
 2. The Superintendent of Police,
Madurai.
 3. The Deputy Superintendent of Police,
Usilampatti.
 4. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti.
 5. Mr.B.Jeyarajan
 6. Mr.G.Subramanian
- (R6 impleaded as per the order
of this Court in W.M.P. (MD) .No.
3758 of 2019, dated 16.07.2019.)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 herein to consider the petitioner's complaint dated 19.12.2018 and provide police protection for taking over charge of the Nadar Saraswathi Matriculation Higher Secondary School.

For Petitioner : Mr.S.Satheesh Kumar
For R1 to R4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)
For R5 : Mr.V.Malaiyendran
For R6 : Mr.E.V.N.Siva

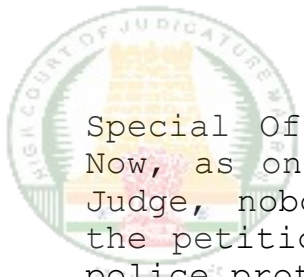
**ORDER**

This writ petition has been filed seeking a direction to the respondents 1 to 4 to consider the petitioner's complaint dated 19.12.2018, and provide police protection for taking over the Management of Nadar Saraswathi Matriculation Higher Secondary School, Usilampatti.

2. According to the petitioner, he is the Secretary of Nattathi Nadar Uravinmuraikku Pathiyamana Nadar Saraswathi Higher Secondary School and Primary School Paribalana Sabai. There are two rival groups and they are fighting for the Management of the above said School, various writ petitions have been filed before this Court. The writ petitions have been disposed of by a learned single Judge issuing various directions including appointment of a Special Officer, under Section 34-A of the Tamil Nadu Societies Registration Act, 1975, to manage the affairs of the School, which was also confirmed by a Division Bench of this Court. The order passed by the Division Bench has been challenged before the Supreme Court in S.L.P.(C).No.18097 to 18099 of 2013 and the Hon'ble Supreme Court stayed the direction issued in Paragraph - 77 (ii), of the learned single Judge order. In view of the order passed by the Hon'ble Supreme Court, the petitioner is entitled to manage the School. For that purpose, he approached the respondent police to give police protection and that was not granted. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner vehemently contended that, in view of the order passed by the Hon'ble Supreme Court staying the direction issued by the learned single Judge, the petitioner alone is entitled to manage the affairs of the School. In the above circumstances, to implement the order passed by the Hon'ble Supreme Court, the respondent police would necessarily grant permission to the petitioner, and there is a dereliction of duty on the part of the respondent police.

4. The learned counsel appearing for the fifth respondent would submit that, there is a dispute between two groups with regard to manage the affairs of the School, earlier a batch of writ petitions have been filed, and the learned single Judge of this Court disposed of the writ petitions issuing various directions, wherein, this Court directed the Government to appoint a Special Officer under Section 33-A of the Society Registration Act, 1975, and also directed the parties to approach the civil Court to decide the membership of the Society and till the civil Court decides the dispute regarding the membership, the District Registrar directed not accept any Form VII, filed by any of the groups. That order was also confirmed by the Division Bench of this Court. The fifth respondent filed Special Leave Petition against the Division Bench order and the Hon'ble Supreme Court only stayed Paragraph 77(ii) of the order of the learned single Judge relating to appointment of a



Special Officer, the other portion of the order was not stayed. Now, as on today, as per the order passed by the learned single Judge, nobody is entitled to manage the affairs of the School and the petitioner is noway related to the issue and he cannot ask for police protection.

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5. The learned counsel appearing for the impleading petitioner would submit that that now the matter is pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court only stayed appointment of a Special Officer, under Section 34-A of the Tamil Nadu Societies Registration Act, 1975, to manage the affairs of the School. That apart, another batch of writ petitions have been filed by the impleading petitioner, and a Division Bench of this Court, in Writ Appeal (MD).No.1515 of 2018, dated 31.10.2018, had held that the Director of Matriculation School permitted the fifth respondent, should manage the affairs of the School, which was challenged by the impleading petitioner, in which the learned single Judge has passed an order cancelling the approval of the School Committee and permitted the fifth respondent to continue as the Secretary of the School Committee. A writ appeal has been filed against that order and a Division Bench of this Court stayed the portion of the order, and held that the fifth respondent is not entitled to act as a Secretary, that order also subsequently made absolute. In view of the same, now nobody managing the affairs of the School, the petitioner noway connected with the issue, and he cannot seek for police protection enabling him to administer the School.

6. I have considered the rival submissions and perused the materials available on record.

7. Admittedly, there is a dispute relating to management of the School. Earlier, in a batch of writ petitions filed by the rival groups, the learned single Judge in W.P.(MD).Nos.13037 and 13076 of 2011 and 483, 780, 1332, 1577 and 8521 of 2012, by an order dated 19.03.2017, passed the following order:

77 (i) The Government order dated 10.01.2012 and the orders of the Director of School Education and the District Educational Officer dated 11.01.2012 and 12.01.2012 are upheld and the competent authority shall continue to make direct payment of the grant, until a civil Court pronounces a final judgment (not an interim order) as to who are the members of the original society with Registration No.35/1961 and as to who are its elected members, eligible to be recognised as the Educational Agency.

(ii) The Government shall initiate action in terms of Section 34-A of the Tamil Nadu Societies Registration Act, 1975, for the appointment of a Special Officer, in supersession of the committee and pass orders within a period of three months in accordance with law.

(iii) The warring groups are at liberty are at



liberty to approach the Civil Court for a final determination as to who are the members of the Original Society with Registration No.35/1961 as on date and as to who are its elected members as on date eligible to be recognized as the Educational Agency.

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(iv) Till the Civil Court decides the question of membership as well as the question of office bearer ship of the Original Society (35/1961), the District Registrar need not accept any form filed by any of the groups. This will not tantamount to a violation of the statutory requirements, since I have directed the Government to appoint a Special Officer in the preceding clause.

(v) There will be no order as to costs.

8. The above order was also confirmed by the Division Bench, the fifth respondent challenged the order of the Division Bench before the Hon'ble Supreme Court in S.L.P.(C).Nos.18097 to 18099 of 2013, and the Hon'ble Supreme Court has passed the following order:

"In the mean while, the direction contained in para 77 (ii) of the order of the learned single Judge and affirmed by the Division Bench in writ appeals shall remain stayed."

9. Pursuant to the order passed by the learned single Judge, now civil suits are pending before the competent civil Court and the membership issue is yet to be decided. By virtue of the order passed by the Hon'ble Division Bench, in another writ petition, the fifth respondent also not permitted to hold the post of Secretary as on today. The petitioner no way connected with the issue. As on today, there is no order passed by any Court enabling the petitioner or other respondents 5 and 6 to manage the affairs of the School. In the above circumstances, the petitioner is noway connected with the issue and cannot seek for any police protection. The learned counsel for the impleading petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of **P.R.Murlidharan and others vs. Swami Dharamanda Theertha Padar and others** reported in **2006(3) SCC 170**. The above judgment factually not applicable to this case.

10. Considering the above facts and circumstances of the case, I find no merit in the writ petition. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

2.The Superintendent of Police,
Madurai.

3.The Deputy Superintendent of Police,
Usilampatti.

4.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti.

+1 CC to Mr.V.MALAIYENDRAN, Advocate (SR-75838[F] dated 17/07/2019)

+1 CC to Mr.E.V.N.SIVA, Advocate (SR-75781[F] dated 17/07/2019)

W.P. (MD) .No.3091 of 2019
16.07.2019

AKV

MK (19.08.2019) 5P 7C