



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6857 of 2020

and

W.M.P. (MD)Nos.6264 and 6265 of 2020

Indira Gandhi Memorial Matriculation
and Higher Secondary School,
A-5, Pasumpon Street,
Thirunagar, Madurai - 6,
Rep. by its Principal,
C.Pragnadevi.

... Petitioner

Vs

1. The Manager,
Indian Bank,
Thirunagar Branch,
A-4, Pasumpon Street,
Thirunagar, Maduari - 6.

2.M.Vallinayagam

3.P.Gopichandra Mohana

4.Chandurvelan Vadivelu

5.Thangaraj

6.G.Mohan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent, dated 19.12.2019 and quash the same and consequently direct the 1st respondent to de-freeze the A/c.No.6274745814 and permit the petitioner to operate the bank account to the extent of payment of salary to the staffs through RTGS and payment of statutory dues like electricity charges, provident fund, insurance, road tax and vehicle fitness charges for the vehicles maintained by the school after obtaining approval from the 2nd respondent herein and to accept the deposit from the Government under the Right to Education Act.



For Petitioner : Mr.R.Vijayakumar
For Respondents : Mr.G.Sridharan,
Standing Counsel for R1
Mr.D.Nalla Thambi for R2
Mr.B.Saravanan for R4 & R5
Mrs.J.Anandhavalli for R6

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O R D E R

Heard the learned counsel on either side.

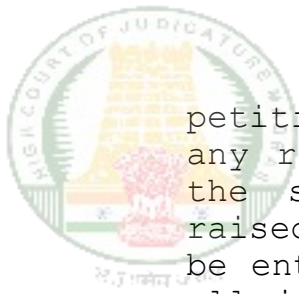
2.The petitioner states that the affairs of the petitioner's school got into serious litigation warranting the passing of certain directions by a learned Judge of this Court in W.P.(MD)No.17444 of 2019 dated 26.02.2020. The second respondent herein has been appointed as the Officer of the Court to conduct election for the society. It is seen that the bank account of the school has been frozen by the first respondent. The learned standing counsel appearing for the first respondent informs this Court that the freezing of account became necessary in view of the non resolution of the dispute among the office bearers of the society. But as a result of such freezing of bank account, the salary to the staff could not be paid. That is why, this writ petition has been filed.

3.Mr.B.Saravanan, learned counsel appearing for the fourth and fifth respondents informs this Court that the very filling of this writ petition is motivated and that the person who claims to be the principal is not actually the principal and that she had been instigated by the sixth respondent to file this writ petition.

4.I make it clear that entertaining of this writ petition will not mean that this Court had accepted the claim of the petitioner herein. I am only endeavoring to find a solution to the problem raised by the petitioner.

5.As rightly pointed by the learned counsel appearing for the fourth respondent, the officer of the Court had already been kasked with the mandate in this regard. Paragraph 7 of the order dated 26.02.2020 reads as follows:-

"7.The learned Senior Counsel for the contesting respondents urged that the election should be conducted immediately. The Officer of the Court appointed by this Court is empowered to deal with all the issues regarding conduct of election and the manner of election giving due regard to the bye-laws. It is also open to the Officer of the Court to open a separate account, so that the entire money collected from the students towards tuition fee and other fee, can be deposited in that account. Neither the



petitioner nor the contesting respondents or their men has any right to deal with the account or receive cash from the students. Since the contesting respondents have raised some issues relating to accounts, the same also can be entertained by the Officer of the Court and can decide all issues including the money payable to the petitioner by the Society for disbursement of salary or spent towards legitimate expenses."

6.I am therefore of the view that the second respondent can very operate the bank account in question so that the staff's salaries and other statutory dues could be paid. The communication of the first respondent freezing the bank account is modified and the second respondent is permitted to operate the bank account in question for the purposes mentioned above.

7.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Manager,
Indian Bank,
Thirunagar Branch,
A-4, Pasumpon Street,
Thirunagar, Maduari - 6.

W.P. (MD)No.6857 of 2020

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