



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.09.2020

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

**W.P. (MD) No.10915 of 2020**

Sri Ram Nallamani Yadava College of Arts and Science,  
Kodikuruchi,  
Kadayanallur Taluk,  
Tenkasi District,  
represented by its Managing Director cum  
Chairman N.Manimaran ...Petitioner

Vs

- 1.The State of Tamilnadu,  
represented by its Principal Secretary to Government,  
Higher Education Department,  
Government of Tamilnadu,  
St.George Fort,  
Chennai -9.
- 2.The Registrar,  
Manonmaniam Sundaranar University,  
Trinelveli.
- 3.The Chairman,  
USP Arts and Science College for Women,  
Kodikuruchi,  
Kadayanallur Taluk,  
Tenkasi District. ...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation dated 17.08.2020 requesting the respondents 1 and 2 to cancel the permission granted to the 3rd respondent to start USP Arts and Science College for Women at Kodikurichi, Kadayanallur Taluk, Tenkasi District within a time limit fixed by this Court.

|                |                     |
|----------------|---------------------|
| For Petitioner | : Mr.T.K.Gopalan    |
| For R1         | : Mr.M.Murugan      |
|                | Government Advocate |



**ORDER**

This Writ Petition is filed to direct the respondents 1 and 2 to cancel the permission granted to the 3<sup>rd</sup> respondent to start USP Arts and Science College for Women at Kodikurichi, Kadayanallur Taluk, Tenkasi District, by considering the petitioner's representation dated 17.08.2020.

2. According to the petitioner, as per the Government Order issued by the 1<sup>st</sup> respondent in G.O.Ms.No.93, Higher Education Department, dated 10.08.2020, the 3<sup>rd</sup> respondent was permitted to start USP Arts and Science College for Women at Kodikurichi, within 300 meters., from the petitioner's college. In this regard, the petitioner made a representation dated 17.08.2020 before the respondents 1 and 2 to cancel the permission granted to the 3<sup>rd</sup> respondent to start USP Arts and Science College for Women.

3. The learned Government Advocate appearing for the 1<sup>st</sup> respondent had strongly objected the *locus standi* of the writ petitioner and also the prayer sought for by the petitioner in the writ petition and submitted that if the petitioner is being aggrieved by the aforesaid Government Order, he can workout his remedy by way of challenging the same. However, instead of challenging the aforesaid Government Order, the petitioner has filed the present writ petition for the relief stated supra.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, as per G.O.Ms.No.93, Higher Education Department, dated 10.08.2020, the 3<sup>rd</sup> respondent was permitted to start USP Arts and Science College for Women at Kodikurichi, within 300 meters from the petitioner's college. If the petitioner is being aggrieved by the same, a remedy is available to him to question the validity of the aforesaid Government Order dated 10.08.2020. However, without doing so, the petitioner made the representation dated 17.08.2020 before the respondents 1 and 2 seeking to cancel the permission granted to the 3<sup>rd</sup> respondent to start USP Arts and Science College for Women, which is not maintainable in accordance with law.

6. Further, in the affidavit it had been stated that though the petitioner has every right to question the validity of the permission granted by the 1<sup>st</sup> respondent to the 3<sup>rd</sup> respondent's college vide the aforesaid Government Order through the publication made by the 3<sup>rd</sup> respondent in the 'Daily Thanthi' news paper on 17.08.2020, he has not challenged the aforesaid Government Order. Therefore, this Court is of the view that the



accordingly, the writ petition is liable to be dismissed as not maintainable.

7. At this juncture, the learned counsel appearing for the petitioner would submit that the copy of the Government Order in G.O.Ms.No.93, Higher Education Department, dated 10.08.2020 was not available with the petitioner to challenge the same.

8. In reply, the learned Government Advocate appearing for the 1<sup>st</sup> respondent had agreed before this Court to furnish a copy of the said Government Order to the learned counsel appearing for the petitioner within a period of two weeks from the date of receipt of a copy of this order.

9. Recording the submission made by the learned Government Advocate and in view of the foregoing observations, the Writ Petition stands dismissed as not maintainable. No costs.

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 Principal Secretary to Government,  
Higher Education Department,  
Government of Tamilnadu,  
St.George Fort,Chennai -9.

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate ( SR-17940[F] dated 24/09/2020 )

+1 CC to M/s.GP ( SR-18090[F] dated 25/09/2020 )

**W.P. (MD) No.10915 of 2020**  
**24.09.2020**

DKS (CO)

TR(21.10.2020) 3P 4C

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