



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.5153 of 2017

and

W.M.P. (MD) Nos.4151 and 4152 of 2017

Felix Antoni Nicholas,
Managing Trustee,
Loyola Educational Trust,
S/o.Dr.M.T.Nicholas,
No.1/32, Rose Gardens,
Agasthilingam Pillai Street,
Ponnappa Nadar Nagar,
Nagercoil - 629 004.
Kanyakumari District.

.. Petitioner

Vs.

1. Anna University,
Rep. by its Registrar,
Sardar Patel Road,
Guindy, Chennai.

2.M.T.Nicholas,
Chairman,
S/o.Maria Singham,
Loyola Institute of Technology and Science,
No.1, Loyola Nagar,
Thovalai - Rajavoor Road, Thovalai,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Lr.No.018/CAI/AU/2017, dated 20.02.2017 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction directing the respondent No.1 to substitute the petitioner's name in serial number 3(b) i, ii, iii in PART-A-Basic Information, Annexure - 13 of Regulations for affiliation of Anna University in light of the amendment to clause 10 in page 6, of the Supplemental Trust deed in No.595 of 2009, dated 29.06.2009 within the time frame fixed by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For Respondent 1 : Mr.M.Rajarajan
For Respondent 2 : Mr.V.Meenakshi Sundaram

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ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the first respondent, dated 20.02.2017 and consequently to direct the first respondent to substitute the petitioner's name in serial number 3(b) i, ii, iii in PART-A-Basic Information, Annexure - 13 of Regulations for affiliation of Anna University in light of the amendment to clause 10 in page 6, of the Supplemental Trust deed in No.595 of 2009, dated 29.06.2009 within the time frame fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner, the learned Counsel appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.The learned Counsel appearing for the petitioner appears to have filed this Writ Petition challenging the impugned order mainly with an apprehension that this order may be used by the second respondent in the pending suits in O.S.No.293 of 2016, O.S.No.222 of 2017 and O.S.No.269 of 2017 before the Principal Sub Court, Nagercoil. The learned Counsel appearing for the second respondent, however, submitted that the suits will be decided on merits and he has no intention of using the order passed by the first respondent or rely upon the impugned order for the purpose of establishing his right and to advance his case in the three suits. The leaned Counsel appearing for the petitioner has no objection for closing the Writ Petition recording the submission of the learned Counsel appearing for the second respondent to the effect that the impugned order in the present Writ Petition will not be pressed into service by the second respondent in the three suits above stated. Accordingly, recording the statement of the learned Counsel appearing for the second respondent, this Writ Petition is closed as no further adjudication is necessary and as requested by learned Counsels on either side. No costs. Consequently, connected miscellaneous petitions are closed.

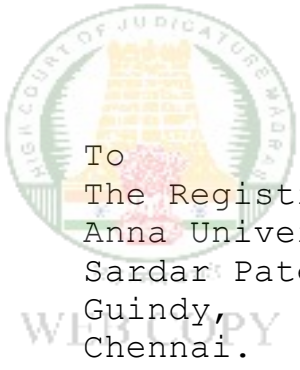
Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
The Registrar,
Anna University,
Sardar Patel Road,
Guindy,
Chennai.

+1 CC to M/s.D.NALLATHAMBI, Advocate SR-6455[F] dated 14/02/2020

+1 CC to M/s.T.LAJAPATHIROY, Advocate SR-6363[F]

+1 CC to M/s.M.RAJARAJAN, Advocate SR-6408[F] dated 14/02/2020

ORDER MADE IN
W.P. (MD) .No. 5153 of 2017
13.02.2020

ss (CO)
TR(25.02.2020) 3P 5C