



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.03.2020
CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 1927 of 2017

WEB COPY

Dr.Imtiaz Ahmad Maraikayer

... Petitioner

Vs.

1.The State of Tamil Nadu rep:
Department of School Education,
Secretariat, Fort.St.George,
Chennai - 9.

2.The Chief Educational Officer,
O/o.Cheif Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The Director of School Education,
DPI Campus, College Road,
Chennai - 9.

4.The District Educational Officer,
O/o.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents not to accord any recognition to any school under any name construction in Survey No:458/3 A 2, in an extent of 0.57.5 hectare situated at Kilakarai Municipality, Ramanathapuram District.

For Petitioner : Mr. T.Lajapathi Roy
For Respondents : Mr. A.Thiyagarajan,
Government Advocate.

ORDER

The Petitioner claims to be the power of attorney of one Mrs.Thasleem Sulaiha Maraikayer (hereinafter referred to as 'the Principal' for brevity). The said Principal earlier filed Writ Petition in W.P. (MD) No. 18962 of 2014 questioning the building plan approval for construction by A1 B 19 Education Charitable Trust (hereinafter referred to as 'the Trust' for short) in the property comprised in an extent of 0.57.5 hectare, situated in Survey No.458/3 A2, Kilakarai Municipality, Ramanathapuram District (hereinafter referred to as 'the Property' for short), which was



dismissed by order dated 18.04.2016 and confirmed by order dated 19.11.2019 in Writ Appeal in W.A. (MD) No. 1248 of 2019 passed by the Division Bench of this Court. During the pendency of the aforesaid proceedings, the Petitioner has filed this Writ Petition for a direction to the Respondents not to accord any recognition to any school under any name for construction in aforesaid Property.

2. When the matter is taken up for hearing today, it is brought to the notice of this Court by Mr.D.Senthil, Learned Counsel, who had appeared for the Trust in W.P. (MD) No. 18962 of 2014 and W.A. (MD) No.1248 of 2019 that the Principal was unsuccessful in proving the title in the civil suit relating to the said property and relying on that adjudication, aforesaid Writ Petition filed by the Principal objecting to the construction in the property was dismissed and confirmed in appeal, as stated earlier. It is further informed that the Educational Authorities have issued Certificate of recognition to the said Trust for conducting the School in the property. He has also filed a memo to that effect and produced the relevant documents. Learned Counsel for the Petitioner acknowledges its receipt.

3. Having regard to the aforesaid submissions made on behalf of the Trust, whom the Petitioner has not made a party in this Writ Petition for obvious reasons, this Court does not find any justification to entertain this Writ Petition at the instance of the Petitioner, who does not have any *locus standi* for prosecuting the same. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

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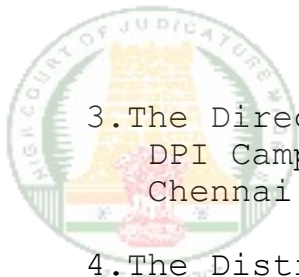
Sub Assistant Registrar(CS)

das/sj

To

1.The Department of School Education,
Secretariat, Fort.St.George,
Chennai - 9.

2.The Chief Educational Officer,
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Ramanathapuram District.



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+1 CC to SPL.GP (SR-10164[F] dated 05/03/2020)

+1 CC to M/s.D.SENTHIL, Advocate (SR-10238[F] dated 05/03/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10413[F] dated
06/03/2020)

W.P.(MD)No. 1927 of 2017

Dated : 04.03.2020

MK (12.05.2020) 3P 8C