



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 22ND DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No. 240 of 2020

and

O.A.Nos. 435 & 436 of 2020

1. Mr. T. Rafeeqe Ahmed,
Aged about 70 years,
S/o. Late. Mr. T. Abdul Wahid,
No. 55, Vepery High Road,
Chennai – 600 003.

2. Mr. T. Adnan Ahmed,
Aged about 41 years,
S/o. Mr. T. Rafeeqe Ahmed,
No. 55, Vepery High Road,
Chennai – 600 003.

... Plaintiffs/Applicants
(C.S.No. 240 of 2020 and
O.A.Nos. 435 & 436 of 2020)

-Vs-

Mr. N. Zeeshan Ahmed,
S/o. N. Mohamed Aslam Basha,
Age not known,
#10, Muttukollai East Street,
Ambur – 635 802
(Thirupathur District)

... Defendants/Responents
C.S.No. 240 of 2020 and
O.A.Nos. 435 & 436 of 2020)

C.S.No. 240 of 2020 :-

Civil Suit praying that this Hon'ble Court be pleased to pass a



a) Permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory remarks as against the Plaintiffs;

b) Directing the Defendant to pay the Plaintiffs a sum of Rs.1,10,00,000/- (Rupees One Crore Ten Lakhs only) as Damages towards loss of reputation, hardship and inconvenience caused by the Defendant's Letters, Complaints, Applications and Communications to Third Parties;

c) Permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing Public Notices, issuing Notices, Publications or any other communication to Third Parties or in any other manner;

d) Costs of the Suit.

O.A.No. 435 of 2020 :-

Original Application praying that this Hon'ble Court be pleased to



Respondent/Defendant his men agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever, interfering with the professional and philanthropic activities of the plaintiffs either by causing false and frivolous or defamatory public notices, issuing notices, publications or any other communication to third parties or in any other manner pending disposal of this suit (b) Ad-interim Injunction restraining the Respondent/Defendant his men, agents, assigns, representatives and any one claiming through or under him causing frivolous and/or defamatory publications in any manner whatsoever to any person, organization or authorities as against the Plaintiffs pending disposal of the suit.

O.A.No. 436 of 2020 :-

Original Application praying that this Hon'ble Court be pleased to grant an order of (a) ad-interim injunction restraining the Respondent/Defendant his men, agents, assigns, representatives and anyone claiming through or under him from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory remarks as against the Plaintiffs pending disposal of the suit (b) Ad-interim Injunction restraining the Respondent/Defendant,

his men, agents, assigns, representatives and any one claiming through or



under him from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing false and frivolous or defamatory Public Notices, issuing Notices, Publications or any other communication to Third Parties or in any other manner pending disposal of the suit.

This civil suit along with these applications coming on this day before this Court for hearing in the presence of Mr.K.M.Aasim Shehzad, Advocate for the Plaintiffs in C.S.No. 240 of 2020 and for the Applicants in O.A.No. 435 & 436 of 2020 and the Defendant herein not appearing in person or by advocate and the said defendant herein having been set exparte and upon reading the Plaint filed herein in C.S.No. 240 of 2020 and the order dated 10.02.2021 made in O.A.Nos. 435 & 436 of 2020, **it is ordered and decreed as follows:-**

That N. Zeeshan Ahmed, the defendant herein, his men, agents, assigns, representatives and any one claiming through or under him, be and is hereby restrained by an order of permanent injunction from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory remarks as against the Plaintiffs.



2. That the defendant herein, be and is hereby directed to pay the plaintiffs a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as damages towards loss of reputation, hardship, inconvenience caused by the defendant's letters, complaints, applications and communications to third parties.

3. That N. Zeeshan Ahmed, the defendant herein, his men, agents, assigns, representatives and any one claiming through or under him, be and is hereby restrained by an order of permanent injunction from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing Public Notices, issuing Notices, Publications or any other communication to Third Parties or in any other manner.

4. That O.A.Nos. 435 & 436 of 2020 do stand closed.

5. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22ND DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)



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ED

03.01.2022

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C.S.No. 240 of 2020
and
O.A.Nos. 435 & 436 of 2020

DECREE :-

DATED : 22.12.2021

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 06/01/2022

APPROVED ON : 07/01/2022



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

C.S.No.240 of 2020

and

O.A. Nos.435 & 436 of 2020

1. T.Rafeeqe Ahmed
2. T.Adnan Ahmed

... Plaintiffs

Vs

N.Zeeshan Ahmed

...Defendant

Plaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of CPC praying to pass a judgement and decree against the defendant.

a) Permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory remarks as against the Plaintiffs;

<https://hcservices.ecourts.gov.in/hcservices> b) Directing the Defendant to pay the Plaintiffs a sum of Rs.1,10,00,000/- (Rupees One Crore Ten Lakhs only) as Damages towards



loss of reputation, hardship and inconvenience caused by the Defendant's Letters, Complaints, Applications and Communications to Third Parties;

c) Permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing Public Notices, issuing Notices, Publications or any other communication to Third Parties or in any other manner;

d) Costs of the Suit.

For Plaintiffs : Mr.K.M.Aasim Shehzad
For Defendant : Set *ex-parte*

JUDGEMENT

This suit has been filed seeking the following reliefs;

a) Permanent Injunction restraining the defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory remarks as against the Plaintiffs;

b) Directing the defendant to pay the Plaintiffs a sum of Rs.1,10,00,000/- (Rupees One Crore Ten Lakhs only) as Damages towards

loss of reputation, hardship and inconvenience caused by the Defendant's Letters, Complaints, Applications and Communications to Third Parties;



c) Permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing Public Notices, issuing Notices, Publications or any other communication to third Parties or in any other manner;

2. The suit summons has also been duly served on the defendant and he has also not filed his written statement. He was set exparte by this Court on 10.02.2021.

3. The plaint averments are detailed hereunder in a nutshell:

(a) The first plaintiff is the son of late T.Abdul Wahid, an eminent Philanthropist, Industrialist, Lawyer, Erudite Speaker and Member of Parliament elected from Vellore constituency in Tamil Nadu for the period 1962-1967. The first plaintiff's father had held several positions in various trade organizations and he had established a reputed tanning business of his own and was one of the leading exporters in India. The first plaintiff's father, T.Abdul Wahid founded a trust, by name, T.Abdul Wahid Charitable



was formed to cater to the needs of the needy. The first plaintiff was appointed as a Managing Trustee under the aforementioned Trust and the Trust is running several Educational Institutions. The first plaintiff is also an industrialist and is also an Office Bearer in various Chamber of Commerce and other organizations.

(b) The details of the Social, Trade and Religious Organizations, in which, the first plaintiff is associated and holding position as an Office Bearer are detailed hereunder;

Social Organizations:-

Vice President	: Anjuman-e-Mufid-e-Ahl-e-Islam (1998 - till date)
Vice President	: Muslim Educational Association of Southern India (2002 – 2008)
Vice President	: Ambur Muslim Educational Society (1998 – till date)
Hony. Secretary	: Southern India Education Trust (S.I.E.T.) (2008 - 2012)
EC Member	: Muslim Educational Association of Southern India (2008–Aug17)
Hony. Secretary	: Muslim Educational Association of Southern India (2017 till date)
EC Member	: Southern India Education Trust (S.I.E.T.) (2012 – till date)

**Trade Organizations:-**

Chairman	: Indian Finished Leather Manufacturers & Exporters Association [IFLMEA] (2001 - 2005)
EC Member	: Indian Finished Leather Manufacturers & Exporters Association [IFLMEA] (2007-till date)
Chairman-Southern Region	: Council for Leather Exports (2005 – 2007)
COA Member	: Council for Leather Exports (2007 – 2019)
EC Member	: Indian Shoe Federation
Member of the Board of Directors	: Institute for Leather Product
EC Member	: The All India Skin & Hide Tanners and Manufacturers Association (AISHTMA)
Director	: Ambur Economic Development Organisation.

Religious Organizations:-

Member Managing Committee	: Nadwatul Ulama, Lucknow
EC Member	: Bakiyathus Salihath Arabic College, Vellore
EC Member	:Tamil Nadu Haj Society
EC Member	: Jamia Darussalam, Oomerabad
EC Member	: Darul - Uloom Waqf, Deoband
Vice President	: Ahle Sunnathul Jamath, Periamet Mosque, Chennai

(c) The second plaintiff is the other trustee of T.Abdul Wahid



Matriculation Higher Secondary School (hereinafter referred to as TAW School). He has completed his graduation from Babson College, U.S.A., in the year 2000 and thereafter, he joined his family business in India. The second plaintiff serves as a Managing Director in T.Abdul Wahid Tanneries Pvt Ltd, Director in Faizan Shoes Private Limited, Partner in TAW Trading Corporation, Managing Partner in Afaya Shoes. Following the footsteps of the late T.Abdul Wahid, the first and the second plaintiffs also show keen interest in Educational, Industrial and Social causes.

(d) The defendant has completed his B.Ed. Degree in Muslim Educational Association of Southern India (MEASI) College of Education, Chennai and received his graduation degree from the first plaintiff, who awarded him the same in the capacity of Hony Secretary of MEASI. The defendant requested the first plaintiff to offer him a job in their concern as a Teacher. Believing the representation of the defendant, the first plaintiff appointed the defendant as a Urdu teacher on probation in January 2018 and thereafter, his performance was monitored. It was brought to the knowledge of the plaintiffs that the approach of the defendant towards teaching reflected that he had no aptitude or interest in the same and that the quality of class room teaching imparted by him was not up to the quality and standards expected from a teacher. Within a few months from the date of



his appointment, several complaints were received by the plaintiffs against the defendant with regard to his conduct and unprofessionalism. A formal enquiry was also initiated by the plaintiffs, based on the complaints received against him. The defendant resigned his job from TAW School on his own volition in June 2018, in order to prevent any action that would result in a formal order against him, which will jeopardize his future prospects.

(e) Subsequent to his resignation from TAW School, right from June 2018 onwards, till the present date, the defendant has nursed a grudge against the plaintiffs, who are the Trustees of the Charitable Foundation, Management of TAW School, its Principal and teaching staffs. The defendant has been sending frivolous communications carrying false, scandalous and slanderous allegations as against the plaintiffs, T. Abdul Wahid Charitable Foundation, its Trustees, TAW School run by it, Principal and the teaching staff to all and sundry including, but not limited to governmental bodies and statutory authorities such as the PMO, Chief Minister of Tamil Nadu, State Government, Commissioner of Police, Inspector of Police, EPF Department, Members of the Press and Media as well as certain individual Advocates and other individuals. The list of said complaints and the representations sent by the defendant are detailed



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No.	Date	Issued to	Defamatory contents
1.	30.12.2018	Email addressed by the Defendant to Tamil Nadu CM Special Cell	False allegations of illegal activities by the TAW School
2.	30.12.2018	Email addressed by the Defendant to: 1. Directorate of Matriculation School Education and another 2. School Education Department, Government of Tamil Nadu	False allegations of illegal activities by the TAW School and further alleging that the Principal and the PG Assistant threatened the students not to disclose that they were forced to give evidence as against the Defendant which are also per se false
3.	05.01.2019	Email addressed by the Defendant to: 1. HRD Minister, Union of India 2. Directorate of Matriculation School Education 3. Chief Minister's Cell, Tamil Nadu	False allegations of illegal activities by the Management of the School
4.	11.12.2019	Issued by one Mr. Mohammed Yawar/ forwarded by Mr. Naskar Zeeshan Ahmed. -This mail was copied to (1) Chennai Press Club (2) Media Reporter of Cauvery News (3) Advocate of Karnataka HC- Bangalore	False Complaint against TAW Matriculation Higher Secondary School alleging that the school has been keeping official and unofficial records, malpractice administration, irregular administration and employing irregular B.Ed Course teachers. Alleging that the School has been collecting double fees in the name of smart classes and calling for check and verification of every statement of school



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			account.
5.	30.01.2020	Legal Notice addressed by the Defendant through his counsel to the 1st Plaintiff and others with copy marked to: 1.Chief Educational Officer, Vellore 2.Chairman, Private School Fee Determination Committee 3.Director of Matriculation School, Tamil Nadu 4.District Educational Officer, Vaniyambadi 5.Inspector of Matriculation School, Tiruvanmalai	Makes false allegations of malpractice and irregularity by the School Management and claiming that the same is preventing eligible teachers from enrolling with the School
6.	08.02.2020	Email Complaint against TAW School & Management marked to: 1.PMO 2.Chief Ministerial Special Cell 3.Commissioner Crime Investigation Department Chennai	Making false allegations of malpractice, irregular management and non-compliance with statutory norms and seeking an 'investigation' as against the TAW School and its Management i.e., the Plaintiffs.
7.	05.08.2020	Email Complaint addressed by the Defendant to: 1.Chief Minister Special Cell Secretary,	Allegations that there are unlawful acts committed by the TAW School and its Management including the Plaintiffs herein



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		Chennai 2.Honorable Governor of Tamil Nadu 3.Human Rights Commission, Chennai 4.Commissioner of Police, Chennai 5.Director General of Police, Chennai 6.Additional Director General of Police, Chennai 7.Superintendent of Police, Chennai 8.District Collector of Tirupattur	
8.	21.08.2020	Complaint annexed vide Email addressed by the Defendant to the Principal of TAW School with copies marked to the following: 1.C.M Special Cell 2.Ministry of School Education, Chennai 3.Chief Education Officer, Tirupattur, 4.District Education Officer, Vaniyambadi	Alleges that there are malpractice in administration and irregularities in staff appointment in the TAW School by the Principal with support of Management.
9.	22.08.2020	Email addressed by the Defendant to: 1.Tamil Nadu CM Cell	False allegations regarding collection of double fee by the school quoted as below: “Collected And Collecting



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		2.Tamil Nadu School Fee Committee Secretary, Tamil Nadu School Fee Committee	Double Fees Through ATM Swipe Machine SBI Solur Branch Ambur, So kindly Check And Verify each and every statement of Account and Refund the Extra Fees to the Parents and Take Action, I Have Enclosed School Fees bill and Government Fees Structure Copy”
10.	25.08.2020	Email addressed to: 1.Prime Minister’s Office, New Delhi 2.Secretary Ministry of HRD 3.C.M Special Cell, Government of Tamil Nadu 4.The Secretary, Ministry of School Education 5. The Director DMS Directorate of Matriculation School, Chennai 6.District Collector, Collectorate Tirupattur 7.Sub-Collector, Vanniyambadi 8.Chief Educational Officer, CEO Tirupattur 9.District Educational Officer, Vaniyambadi	Contains false allegations excerpted as below: “That as aforesaid, the management of T. Abdul Wahid Matriculation Higher Secondary School Ambur is not at all bothering to adhere to the Standard Operating Procedure and Rules and regulations thereon in running the school as they acting on their whims and fancies without even following the procedure laid down in the SOP for running an educational institution and funds being misappropriated for their wrongful gains” “that as aforesaid due to the malpractice administration and irregularities of the management of the



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			School has been brought to the notice of the Chief Educational Officer through notice dated 19.12.2019 and reminder notice dated 17.01.2020..” “I humbly request your good self to kindly take actions the management and staff of TAW School in accordance with law and an enquiry maybe conducted against the malpractice, maladministration and illegalities made by the staff and management, further I humbly request your good self to kindly direct the staff and management not to harass and threaten me with dire consequences.”
11.	26.08.2020	Same as above	Same as above
12.	27.08.2020	Same as above	Same as above

(f) According to the plaintiffs, the imputations and allegations made by the defendant, vide the aforementioned defamatory complaints and representations are not only false, but made despite knowing it to be false in order to project, as if the plaintiffs, who are the Trustees of T.Abdul Wahid Charitable Foundation and in-charge of TAW School, are operating in



violation of law and not in compliance with applicable Rules and Regulations.

(g) According to the plaintiffs, the aforementioned communications sent by the defendant have been circulated widely by the defendant not only with statutory or governmental authorities, but also private persons such as media professionals and Advocates, which clearly discloses that the intention of the defendant is to disseminate false and slanderous statements against the plaintiffs.

(h) According to the plaintiffs, the defamatory statements made by the defendant have tarnished the reputation and has caused mental agony to them. According to them, the defamatory statements have been made by the defendant only to harass them. It is also their case that only with malice and ill-will towards the plaintiffs, the defendant has made the aforementioned defamatory and slanderous statements. Legal notices were also exchanged between the plaintiffs and the defendant with regard to the defamatory statements made by the defendant. Despite the same, the defendant never desisted from making defamatory statements against the plaintiffs. In the aforementioned circumstances, the present suit has been filed.



4. Before the learned Master, the second plaintiff, T.Adnan Ahmed was examined as a witness (P.W.1). In his deposition, he has reiterated the contents of the plaint averments filed in support of C.S. No.240 of 2020. Through P.W.1, the following documents were marked as Exhibits.

Exhibits	NATURE OF THE DOCUMENT
P-1	Photcopy of the Trust Deed dated 06.08.1970
P-2	Photocopy of Souvenir of T. Abdul Wahid Charitable Foundation (1983-2008)
P-3	Press Report in “The Hindu” about T. Abdul Wahid Charitable Foundation dated 21.01.2009
P-4	Email issued by the Defendant to the Plaintiffs dated 18.08.2018
P-5	Email issued by the Defendant to the 2 nd Plaintiff dated 27.08.2018
P-6	Email issued by the Defendant to the Plaintiffs dated 07.10.2018.
P-7	Email issued by the Defendant to the 2 nd Plaintiff 07.10.2018.
P-8	Email issued by the Defendant to the Plaintiffs dated 16.10.2018.
P-9	Email issued by the Defendant to the Plaintiffs dated 28.10.2018.
P-10	Email issued by the Defendant to the 2 nd Plaintiff 06.11.2018.
P-11	Email issued by the Defendant to the Plaintiffs dated 12.11.2018.
P-12	Letter issued by the Defendant to the 1 st Plaintiff and other members of the TAW dated 27.11.2018.
P-13	Email issued by the Defendant to the 1 st Plaintiff and other members of the TAW dated 30.11.2018
P-14	Email addressed by the Defendant to Third Parties and forwarded to the Plaintiffs dated 30.12.2018.
P-15	Email addressed by the Defendant to Third Party and forwarded to the Plaintiffs dated 30.12.2018.
P-16	Email forwarded by Defendant copied to Chennai Press Club and 3 others dated 11.12.2019.
P-17	Legal Notice issued by the Defendant to the TAW School & Management including the 1 st Plaintiff herein dated 30.01.2020.
P-18	Email Complaint against TAW School & Management marked to PMO & 2 others dated 08.02.2020.
P-19	Reply Notice issued by the 1 st Plaintiff and the other Management of TAW School to the Defendant 19.02.2020.
P-20	Reply Notice sent to the Defendant dated 06.03.2020.
P-21	Email issued by the Defendant to the 1 st Plaintiff dated 05.08.2020.
P-22	Email issued by the Defendant to the 1 st Plaintiff dated 21.08.2020.
P-23	Email addressed by the Defendant to Tamil Nadu CM Cell and 2 others dated 22.08.2020.
P-24	Email addressed by Defendant to Prime Minister’s Office, New Delhi and 8 others dated 25.08.2020.



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P-25	Email addressed by Defendant to Prime Minister's Office, New Delhi and 8 others dated 26.08.2020.
P-26	Email addressed by Defendant to Prime Minister's Office, New Delhi and 8 others 27.08.2020.
P-27	SMS extracts sent by the Defendant to the Plaintiffs (2018-2019)
P-28	Whatsapp status of the Defendant (2020)
P-29	Email from the Defendant dated 07.09.2020.
P-30	Email sent by the Defendant to Registrar General and others dated 09.11.2020.
P-31	Email sent by the Defendant to CM Cell and others dated 15.12.2020.
P-32	Email sent by the Defendant to third parties dated 13.02.2020.
P-33	Email sent by the Defendant to third parties dated 13.02.2020.
P-34 Through PW-2	Whatsapp communication sent by the Defendant to Mr.T.Jawad Ahmed dated 16.03.2021.

5. One of the trustees of T.Abdul Wahid Charitable Foundation was also examined as a witness (P.W.2). He has filed a proof affidavit supporting the contents of the plaint averments. Through P.W.2, photocopy of the whatsapp communication dated 16.03.2021 and Section 65(B) certificate were also marked as Ex.P34. The whatsapp communication Ex.P34, discloses the defamatory statements made by the defendant against the plaintiffs as well as their Organization/ Trusts (School and their Staffs).

6. P.W.3, Nazar Mohamed Medekar, who is an Executive Committee Member of Ambur Muslim Educational Society was also examined as a witness (P.W.3). He has also supported the plaint averments, as seen from his proof affidavit. He is an independent witness and is not connected with any of the Organizations/ Trusts associated by the plaintiffs.



7. As seen from the evidence available on record, the defendant has made the following defamatory statements, which are found in Ex.P16 dated 11.12.2019, Ex.P18 dated 08.02.2020, Ex.P24 dated 25.08.2020, Ex.P27-SMS dated 16.09.2019, dated 18.09.2019, 18.09.2019 and 17.10.2019, Ex.P29 dated 07.09.2020, Ex.P34 dated 16.03.2021 and some of the blackmail statements, which are found in Ex.P6 dated 07.10.2018, Ex.P27, SMS dated 17.06.2019, SMS dated 17.09.2019, SMS dated 10.10.2019, SMS dated 16.10.2019.

Exhibit P-16 dated 11.12.2019

".....Subject: Kind Attention Sir/Madam Complaint against T.Abdul Wahid Matriculation Higher Secondary School Ambur 635802 Tirupattur keeping Official and Unofficial Records Malpractice Administration Irregular Administration More than 10 staff completed and competing 2 years irregular B.ED Course Full Time working in T.A.W School"

Exhibit P-18 dated 08.02.2020

"T.A.W.School continuesly doing malpractice, malpractice administration, irregular administration and irregularities management."

Exhibit P-24 dated 25.08.2020

"3. That, as aforesaid the management of T.Abdul Wahid Matriculation Higher Secondary School, Ambur is not at all bothering to adhere to the Standard Operating Procedure and Rules and Regulations thereon in running the school as they acting on their whims and fancies without even following the procedure laid down in the SOP for running an Educational Institution and funds being misappropriated for their wrongful gains."

Exhibit P-27

SMS dated 16.09.2019

"Now I have all the evidence which you sent to Government of Tamil Nadu and how much here you people collected and Collecting everything I verified per year more than 3 crores you people earning excess fees, extra fees collected and collecting so much high fees."



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SMS dated 18.09.2019

“Kind Attention Sir/District Education Officer Madam, Complaint against TAW School, Ambur, Collected and Collecting High level fees school Cannot Follow PSFDC Allacted Government Fee Structure for example +2 standard Government Fees Structure is Rs. 21,295/- Per year our School collected Double Amount, so you have to check statements.”

SMS dated 18.09.2019

“For the 2017-18, 2018-19 and 2019-20 three Academic years Collected Extra Fees/Excess fees Rupees 3 Crores Per year Nine Crores for 3 years

Refund immediately to the 2000 students Parents I will asking Questions under RTI Act, 2005/you have to (District Education Officer) has answerable to Two Thousands Students Parents otherwise I will Complaint to the PMO, New Delhi. Copy to:- 1. District Collector, Vellore 2. Dy. Collector of Tirupattur 3. Secretary of School Education Chennai 4. Chairman, PSFDC, Chennai”

SMS dated 17.10.2019

“I have send many letters so far...but no Proper solutions.. so many sides they have come to investigation.....so many MallPractice then to you are giving false statements...(Regarding B.Ed., staffs MallPractice Attendance, Kerping Official and Unofficial Attendances, Irregular Administration, Aayas Salary (Labour Dept.) Issues, Corruption of Fees....so....on..)”

Exhibit P-29 dated 07.09.2020

“I would like to bring to your kind notice about the T.A.W Matriculation Hr.Sec.School Ambur. I have already given the Complaint regarding the staffs who are doing their B.Ed in Irregular, many problems and irregularity in staffs and Administration are going on. I have given the complaint for the past 2 years. I have sent the complaint letter to CEO, DEO and other higher authorities. But still the problem is going on. No one is ready to take the action against the management. Many times I have intimated about the issues which happened in the same school. Many Higher officers came and check the files for the name sake. The Management is ready to buy the higher authorities too. That why I Planned to go legally through the (LOAK AYUKTHA). If I go legally means the management, Managing Trustee Mr.Rafeeqe Ahmed sahib, Correspondent Mr.T.Adnan Ahmed Sahib, Trustee Mr. T.Jawad Ahmed Sahib, The Principal Mrs. Shaheen Yousuf, Vice-Principal Mrs. Noorunissa Raja and Under Malpractice Staffs should be answerable to the manpractice and issues going on the school.”

Exhibit P-34 dated 16.03.2021

“.....education mafia is going on in your school just wait and watch you



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are sinking in ocean slowly the end of this fraud and malpractice is near so be ready for it. You have to answer your malpractice and irregularities in front of government officials state chief information commissioner, tamilnadu information commission chennai .you have to attend to the commission committee chennai you have to answer in written for your malpractice including that malpractice staffs and fake name sake principal mrs.shaheen (acting principal, chowkidar chorni ,haram income earner, playing hide and seek game). ”

SOME OF THE BLACKMAIL STATEMENTS

Exhibit P-6 dated 07.10.2018

“My intention is ...to have a job with promotion and remove her from her post (parents, former school students of the batch 2016, 2017, 2018 they will ready to speak with the Medias)”

Exhibit P-27

SMS dated 17.06.2019

“Why you People not ready to give job..ok here after I won't wait I need justice I am waiting but I didn't get back all my evidence or else I will go legally. This is true one or two days you people one by one attend the Court who ever helped me and encouraged me writing this letters against school”

SMS dated 17.09.2019

“So Honorable Managing Trustee and The Correspondent of TAW School Ambur consider my job I want to rejoin till I get I wont stop I am waiting for your favourable support and reply. ”

SMS dated 10.10.2019

“I have to decide all I evidence send to the PMO, New Delhi at the Time of Central Investigation I am not response Do you know what is going on last investigation of Current Member of Parliament Aazam Khan Sb Institutions.”

SMS dated 16.10.2019

“Kind Attention Rafee Saheb & Adnan Saheb Management of TAW School Ambur iam waiting for your favourable support and reply but No response from your side so I will Complain to PMO New Delhi, Ministry of Home Affairs, New Delhi, Anti Corruption Bureau, Income Tax Department very soon at the time of Central Investigation Iam not response is my final decision don't feel bad about me. Already I will inform to you.”



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10. In the present case also, the defendant knowing fully well that his complaints cannot be substantiated and knowing fully well that those statements are false and only with an ulterior motive and malice, has made the statements against the plaintiffs, which is *per se* defamatory.

11. For the foregoing reasons, this Court is inclined to grant permanent injunction as prayed for in prayer (a) and (c) in the plaint. Insofar as the damages sought for by the plaintiffs to the extent of Rs.1,10,00,000/- is concerned, this Court is of the considered view that such a huge amount of compensation cannot be granted by this Court without proper evidence to that effect that the plaintiffs have suffered loss to that extent because of the defamatory statements made by the defendant. However, after considering the credentials of the plaintiffs and the fact that the statements made by the defendant is *per se* defamatory and despite the plaintiffs cautioning the defendant to stop the defamatory statements and inspite of an order of interim injunction granted by this Court on 01.10.2020 in O.A.No.435 of 2020 against the defendant, restraining him from making defamatory statements, the defendant has continued to make defamatory statements, as seen from the evidence available on record, this Court is

<https://hcservices.ecourts.gov.in/hcservices/>
compelled to award damages of Rs.10,00,000/- against the defendant in



favour of the plaintiffs. The order of interim injunction was granted in favour of the plaintiffs on 01.10.2020 and thereafter, the defendant has made defamatory statements, as seen from Ex.P34, which is the Whatsapp communications marked through P.W.2.

ii) As seen from the plaint averments as well as the evidence available on record, the plaintiffs are respectable persons in the society, holding various positions in the industry as well as in the social organizations, this Court is inclined to award damages against the defendant for a sum of Rs.10,00,000/-(Rupees ten lakhs only). Therefore, the relief sought for in prayer (b) of the plaint is partially granted by restricting it to Rs.10,00,000/- instead of Rs.1,10,00,000/- claimed by the plaintiffs.

12. In the result, the suit is partly decreed with costs by granting the following reliefs:

a) There shall be an order of permanent Injunction restraining the defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever causing publications by way of complaints, representations to any person, organization, statutory authorities or any other person, containing any slanderous or defamatory



b) The defendant is directed to pay the plaintiffs a sum of Rs.10,00,000/- as damages towards loss of reputation, hardship, inconvenience caused by the defendant's letters, complaints, applications and communications to third parties.

c) There shall be an order of permanent Injunction restraining the Defendant, his men, agents, assigns, representatives and any one claiming through or under him from in any manner whatsoever interfering with the Professional and Philanthropic activities of the Plaintiffs either by causing Public Notices, issuing Notices, Publications or any other communication to Third Parties or in any other manner.

d) No costs. Consequently, connected applications are closed.

Sd./- A.Q.J.,

22.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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