



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17597 of 2019

Mr.Sridhar

... Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Chief Educational Officer,
Vellore District,
Sethuvachari, Vellore-9.

3. The District Elementary Educational Officer,
Vellore Fort, Vellore District,
Vellore-632 004.

4. The Tahsildhar,
Katpadi Taluk, Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner representation dated 24.12.2019 and further direct the first respondent reopen the seal and handover the possession of property located at New No.39, 1st Main Road, Gandhi Nagar West, Vellore.

For Petitioner : M/s.M.Madhu Prakash

For Respondents R1 & R4 : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner representation dated 24.12.2019 and further direct the first respondent reopen the seal and handover the possession of property located at New No.39, 1st Main Road, Gandhi Nagar West, Vellore.

2.The case of the petitioner is that he is the owner of the



property located at New No.39, I West Main Road, Gandhinagar, West Vellore and the above said property was rented to One Mrs.G.Ammu Kamakshi for residential purpose. However the said Ammu Kamakshi started a school in the name of "STAR School" and when the same was questioned by the petitioner, there was no proper reply from the said Ammu Kamakshi. Hence, the petitioner approached the 2nd respondent. Also the petitioner has approached the 1st respondent and gave representation regarding the school running without proper license and to take necessary action and to hand over the premises back to the petitioner. The 1st respondent sent communication to the 2nd respondent to take necessary steps against the school. Immediately the 2nd respondent inspected the school and ordered to close the school and to transfer the children studying in the said school to the neighbouring school. Aggrieved by the said order, the said Ammu kamakshi filed petition in W.P.No.26618 of 2017, however, this Court directed the said Ammu Kamakshi to shift the school to new premises and fulfil the conditions of the 2nd respondent and the said Ammu Kamakshi requested for extension of time till May 2018 and time was given till May 2018 and ordered to handover the possession to the landlord/petitioner in this petition and the said Ammu kamakshi failed to vacate the school and requested for extension of time till 31/10/2018 and same was allowed with direction that the said Ammu Kamakshi should hand over the possession to the landlord, failing which the 2nd respondent was ordered to vacate the school premises with the support of police.

3. It is further submitted that the 2nd and 3rd respondent, along with police officials, sealed the school and when the petitioner approached the 2nd and 3rd respondent to handover the possession, they have informed that they have the power only to seal the property and 1st respondent only has the power to reopen and handover the possession to the landlord. Hence, the petitioner approached the 1st respondent and gave representation dated 24/12/2018 and the same was forwarded to 2nd respondent and the same was acknowledged by the 2nd respondent stating that the property will be handed over to the landlord within a period of three months. However, till date no order has been passed over the petitioner's representation. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner made multiple representation to the respondents to reopen the seal and handover the possession of the property but has been dragged from pillar to post and the order of this Hon'ble Court is not complied by the respondents. He further submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and handover the property to the petitioner as early as possible.



5. The learned counsel appearing for the respondents has no serious objection to the prayer sought for by the petitioner and admitted that the respondent will consider the petitioner's representation and will pass appropriate orders within a time stipulated by this Court.

6. Heard the arguments advanced on either side.

7. Considering the facts and circumstances of the case, since the Educational Authorities have already issued direction to vacate the school, this Court has no hesitation to issue direction to the respondents to consider the petitioner representation dated 24/12/2018 and to implement the order of this Court in W.P.No.26618 of 2017 dated 13/07/2018 within a period of six weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ petition is disposed of with the aforesaid direction. No costs. Connected Miscellaneous petition if any, is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Vellore District, Vellore.

2. The Chief Educational Officer,
Vellore District,
Sethuvachari, Vellore-9.

3. The District Elementary Educational Officer,
Vellore Fort, Vellore District,
Vellore-632 004.

4. The Tahsildhar,
Katpadi Taluk, Vellore District.

+1cc to the Government Pleader SR. No.59755

W.P.No.17597 of 2019

PL (CO)

PR (16/12/2021)