



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19601 of 2021

and

W.M.P. (MD) No.16298 of 2021

Maranatha Residential Public School,
Rep., by its Correspondent, Mary Anjala,
D.No.5/16-4A, Chrismatic Centre,
Chathira Kuzhi, Marthandam & Post,
Kanyakumari District.

.. Petitioner

-VS-

1.The District Collector,
Kanyakumari District,
Nagercoil & Post.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil & Post.

3.The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

4.Chrismatic Service Trust,
Rep. by its Rev.Fr.John Joseph,
Marthandam & Post,
Kanyakumari District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing respondents 1 and 2 from evicting the petitioner from the lease mentioned in the registered lease deed dated 07.09.1995 as per deed No.498 of 1995 registered before the Joint Sub-Registrar Office, Marthandam till the disposal of application filed by the petitioner in C.F.No.3292 of 2021 dated 06.10.2021 on the file of Principal District and Session Court, Nagercoil.



For Petitioner : Mr.Sankaran.G

For RR 1 to 3 : Mr.K.S.Selva Ganesan

WEB COPY

ORDER

The petitioner seeks to prevent the first and second respondents from evicting the petitioner from the property which is subject matter of a registered Lease Deed dated 07.09.1995, pending disposal of the application filed by the petitioner in C.F.No.3292 of 2021 dated 06.10.2021 on the file of the Principal District and Sessions Court, Nagercoil.

2.The petitioner entered into a registered Lease Deed on 07.09.1995 with the fourth respondent. The said Lease Deed was registered as Document No.498/1995 before the Joint Sub Registrar Office, Marthandam. The petitioner states that a building admeasuring 3000 sq.ft was constructed on the above mentioned property and that the lease is for a period of 50 years.

3.The petitioner states that the school building was trespassed upon on 13.08.2021 and the petitioner gathered that a money suit was filed in O.S.No.58 of 1997. In such money suit, a decree was obtained against the fourth respondent. Pursuant thereto, the petitioner states that E.P.No.40/2004 was filed and that the petitioner was not a party to such proceedings. Upon coming to know of the same, it is stated that an EA was filed before the Hon'ble District Court. It is also stated that the application filed by the petitioner in C.F.No.3292 of 2021 has not been taken on file. The present writ petition is filed on these facts and circumstances.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. On instructions, he states that an orphanage has been constructed on the relevant property.

5.The dispute is a private dispute with regard to the rights of a lessee. The contesting counter party to the dispute is also a private party. In these circumstances, a mandamus cannot be issued to restrain respondents 1 and 2 from initiating action. However, it is open to the petitioner to file an appropriate application in the pending execution petition. It is also open to the petitioner to submit a representation to the official respondents herein seeking accommodation for a limited time, until his applications are considered and disposed of by the civil court concerned in the execution proceedings. If such representation is submitted by the petitioner, the official respondents are directed to consider the



same in accordance with law after putting the parties concerned on notice.

6. Subject to the above observations, W.P.(MD).No.19601 of 2021 is disposed of without any order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/abr

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

1. The District Collector,
Kanyakumari District,
Nagercoil & Post.

2. The Superintendent of Police,
Kanyakumari District,
Nagercoil & Post.

3. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

+1 CC to M/s.G.SANKARAN, Advocate (SR-33591[F] dated 02/11/2021)

+1 CC to M/s.SPL GP (SR-33741[F] dated 08/11/2021)

W.P. (MD)No.19601 of 2021

Dated: 02.11.2021

RK/JGB(17/11/2021) 3P 6C