



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.17840 of 2014

(Through Video Conferencing)

A.Louis Immanuvel

... Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. by its Principal Secretary
Higher Education Department
Fort St. George, Chennai.
- 2.The Director of Collegiate Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.
- 3.The Joint Director of Collegiate Education
Madurai Region,
Madurai.
- 4.N.M.S.S.Vellaichamy Nadar College,
Rep. by its Secretary
Nagamalai Pudukottai
Madurai.
- 5.N.M.S.S.Vellaichamy Nadar Kalloori Peravai,
Rep. by its Secretary
Nagamalai Pudukottai
Madurai.

6.P.Mahendrael

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to complete the proceedings initiated by the 2nd respondent in show cause notice in R.C.No.41336/G2/08 dated 15.10.2009 for illegal collection of capitation fee of Rs.19,88,000/- and to take action against the respondents 4 to 6 for transferring Rs.29,00,000/- from the account of the 4th respondent college to Nadar Mahajana Sangam in 2003 to 2005.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.P.Mahendran for R1 to R3

Additional Government Pleader

Mr.B.Saravanan for R4 to R6



ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to complete the proceedings initiated against the respondents 4 to 6, wherein, it is alleged that those respondents had illegally collected capitation fees.

2. The petitioner is also a member of the N.M.S.S.Vellaichamy Nadar Kalloori Peravai. According to the petitioner, the students, who studied in the College, had made a complaint against the respondents 4 to 6 to the effect that they had illegally collected capitation fees from them. Based on the complaint, an enquiry was also initiated by the first and second respondents. Thereafter, no action was taken and hence, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents for R1 to R3 and the learned counsel for the respondents 4 to 6.

4. In the considered view of this Court, there seems to be a dispute between the members of the society. If really any capitation fees have been illegally collected, the concerned students should have knocked the doors of this Court. None of the students were interested in prosecuting the complaint and the petitioner wants to continue with the complaint on the ground that he is a member of the society and he wants to safeguard the name of the society. If the issue raised by the petitioner is considered at this length of time, then it will be like flogging a dead horse. The students have completed the course and have left the Institution long back and even if the first and second respondents want to continue with the enquiry, there will be no one who will be available for giving any statement. Therefore, this Court does not want to issue any direction to the first and second respondents, since it will be a wasteful exercise.

5. In view of the above, this Court is not inclined to grant the relief as sought for by the petitioner. Accordingly, this writ petition is dismissed. No costs.

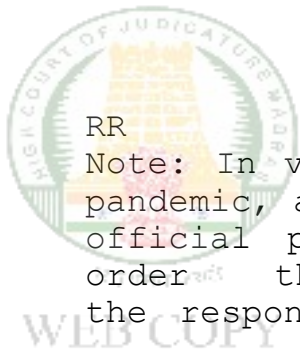
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



RR

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 Principal Secretary
Higher Education Department
Fort St. George, Chennai.
- 2.The Director of Collegiate Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.
- 3.The Joint Director of Collegiate Education
Madurai Region,
Madurai.

+1 CC to M/s.SPL GP (SR-16536[F] dated 19/04/2021)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-16407[F] dated 19/04/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-16408[F] dated 19/04/2021)

W.P. (MD)No.17840 of 2014
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PM(CO)
KB(30.04.2021) 3P 7C