



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.360 of 2017

and

W.M.P. (MD) .Nos.1717, 271 and 1717 of 2017

T.Pushpanathan

... Petitioner

Vs.

1.The Director of Elementary Education,
Chennai 600 006.

2.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

3.The Assistant Elementary Educational Officer,
Sakkottai at Karaikudi,
Sivagangai District.

4.KR.Annamalai

... Respondents

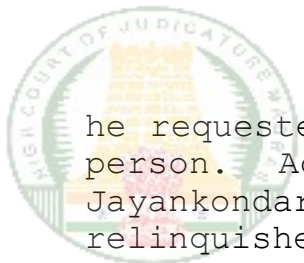
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the fourth respondent, who is interfering the affairs of the administration of the Alagammai Achi Memorial Aided Elementary School, Pallathur, Karaikudi Taluk, Sivagangai District and recover all the school records from the fourth respondent.

For Petitioner	: Mr.V.Panneer Selvam
For R1 to R3	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader
For R4	: No appearance

O R D E R

This writ petition has been filed for a direction to the respondents 1 to 3 to take appropriate action against the fourth respondent, who is interfering with the affairs of the administration of the Alagammai Achi Memorial Aided Elementary School, Pallathur, Karaikudi Taluk, Sivagangai District and recover all the school records from the fourth respondent.

2. The case of the petitioner is that originally one Subramania Iyer started a Primary School by name Subramania Aided Elementary School in the year 1895. While so, the said Subramania Iyer



he requested to transfer the Management of the School to some other person. Accordingly, the same was transferred in favour of Jayankondar Kalvi Nilayam. Thereafter, the said Jayankondar relinquished the correspondentship and requested the villagers to change the same. Accordingly, the Management of the School was changed to one Thirunavukkarasu Chettiar @ Karuthan Chettiar in the year 1957. Thereafter, the School was renamed as Alagammai Achi Elementary School. After the demise of the said Thirunavukkarasu Chettiar @ Karuthan Chettiar, his son KR.Alagappan was requested by the villagers to take the educational agency and run the School. Accordingly, the said School was taken over by him and run the same from 1978 onwards. Thereafter, the said Alagappan transferred the educational agency in favour of his wife Tmt.AL.Meenakshi in the year 1981. Again, the said AL.Meenakshi transferred the educational agency to the petitioner in the year 2009 and the transfer application was also duly signed by the said AL.Meenakshi and the same was also approved by the second respondent, by his proceedings dated 12.11.2010. Thereafter, the petitioner was running the School from 2009 onwards. While so, the petitioner received two undated letters said to have been written by Mr.KR.Annamalai, the fourth respondent herein and KR.Alagappan to the said Solaiyappa Chettiar, requesting him to hand over the Management of the School, for which the petitioner refused. Thereafter, the petitioner received an Advocate notice in W.P.No.3000 of 2013 on the file of this Court. In the mean while, the second respondent has passed an order on 06.03.2013, cancelling the correspondentship of the petitioner and also passed an order for direct payment. Challenging the same, the petitioner has filed the writ petitions in W.P.Nos.4821 and 3000 of 2013 before this Court and this Court, by order dated 05.03.2015, allowed the writ petitions and set aside the order dated 06.03.2013. Thereafter, a series of litigation were there in between the petitioner and the fourth respondent. While pending all these issues, the present writ petition has been filed by the petitioner with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court restrained the fourth respondent from interfering with the affairs of the administration of the Alagammai Achi Memorial Aided Elementary School. However, the fourth respondent is interfering with the same. Hence, this Court may issue a direction to the respondents 1 to 3 to take appropriate action against the fourth respondent.

4. Considering the facts and circumstances of the case, admittedly, there is a serious dispute in between the petitioner and the fourth respondent and the same is pending before this Court. Without exhausting the remedy available, during the pendency of the writ petition, filing the present writ petition is not maintainable. Hence, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy, in the manner known to



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law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Director of Elementary Education,
Chennai 600 006.
- 2.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.
- 3.The Assistant Elementary Educational Officer,
Sakkottai at Karaikudi,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-10178[F] dated 10/03/2021)

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KB(23.06.2021) 3P 5C