

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20851 OF 2021

Sri Nandhanam Educational &
Social Welfare Trust, Tirupathur,
Vellore District
Rep. By its Chairman
Mrs.M.Andal

... Petitioner

Vs.

1. The Director (Approval)
All India Council for Technical Education,
Nelson Mandela Road, Vasant Kunj,
New Delhi - 110 067.
2. The Southern Regional Officer,
All India Council for Technical Education,
Shastri Bhawan, 26, Haddows Road,
359, Anna Salai,
Nungambakkam,
Chennai - 600 006.
3. The Director,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai - 600 032.
4. The Branch Manager,
Bank of India,
Anna Nagar Branch,
W-124, 3rd Avenue,
Anna Nagar,
Chennai - 600 040.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondent to release all the pending joint Fixed Deposits

bearing Account Nos. 802442710000007, 802442710000008, 802440110000013, 802440110000014, in 4th respondent bank along with interest within a time frame to be fixed by this Hon'ble Court and to pass such further and other suitable orders as this Hon'ble Court deems fit and proper in the circumstances of the case and as per the order passed by this Hon'ble Court in W.P.No.29889, 29890, 29891 of 2015 dated 23.09.2015.

For Petitioner : M/s.Nithyaesh

For Respondents : Mr.Rabumanohar for R1 & R2
Mr.C.Jayaprakash for R3
Government Advocate
M/s.P.Neelakantan for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to release all the pending joint Fixed Deposits bearing Account Nos. 802442710000007, 802442710000008, 802440110000013, 802440110000014, in fourth respondent bank along with interest within a time frame and as per the order passed by this Hon'ble Court in W.P.Nos.29889, 29890, 29891 of 2015 dated 23.09.2015.

2.The case of the petitioner is that the petitioner is an established Trust in the name and style of 'Sri Nandhanam Educational and Social Welfare Trust' serving the beneficiary from the community through an Engineering College, Polytechnic College, Maritime College and Pharmacy Colleges. There is a condition imposed by the second respondent that if any College wants to get approval of additional courses or recognition, the said College was mandated to create a fixed deposit for the period of eight years in the joint name of the petitioner Trust and respondents. Accordingly at the time of granting approval for additional courses of M.B.A. and M.C.A. in the year 2006-2007, the petitioner created joint fixed deposits for performance guaranteed for the period of eight years, both in the name of Sri Nandanam Educational Trust and the Regional Officer, SRO, AICTE.

3.The further case of the petitioner is that after expiry of the term of eight years for submitted fixed deposits, the second respondent forwarded a letter dated 26.11.2014 by post calling upon the petitioner Trust to forward application for release of matured fixed deposit and also for issuance of NOC from them for the fixed deposits. Accordingly, the petitioner submitted

application seeking to release the fixed deposits and since the same were not released, made several representations to the respondents and since there was no response, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that as on date, there is no legal impediment for the respondents to release the joint fixed deposit made by the petitioner Trust at the time of approval of the additional course, however, even after expiry of eight years, the fixed deposits were not released, which is un-just in law.

5.The learned counsel appearing for the respondents 1 and 2 submitted that there is dispute with regard to Chairmanship of the Trust and the erstwhile Chairman Mohan Krishnaa has filed a suit in O.S.No.54 of 2012 before the Subordinate Court, Tirupattur, Vellore District and since the suit is pending, AICTE did not release the fixed deposits made by the petitioner.

6.The learned counsel appearing for the respondents 1 and 2 further submitted that this Court may direct the AICTE to return the fixed deposit in the name of the Trust and not in the name of the individual and the same was acceded to by the learned counsel appearing for the petitioner.

7.Admittedly, there is dispute with regard to Chairmanship of the Trust and the erstwhile Chairman Mohan Krishnaa has filed a suit in O.S.No.54 of 2012 before the Subordinate Court, Tirupattur, Vellore District and the said suit is pending and hence, the respondents did not release the fixed deposits made by the petitioner. However, there is no legal impediment for the respondents to return the fixed deposit in the name of the Trust. Hence, this Court directs the respondents to release all the pending joint Fixed Deposits bearing Account Nos. 802442710000007, 802442710000008, 802440110000013, 802440110000014, in the name of the Trust, within a period of twelve weeks from the date of receipt of a copy of this order. However the said amount shall not be disbursed to any individual till the disposal of the suit.

8.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Director (Approval)
All India Council for Technical Education,
Nelson Mandela Road, Vasant Kunj,
New Delhi - 110 067.
2. The Southern Regional Officer,
All India Council for Technical Education,
Shastri Bhawan, 26, Haddows Road,
359, Anna Salai,
Nungambakkam,
Chennai - 600 006.
3. The Director,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai - 600 032.
4. The Branch Manager,
Bank of India,
Anna Nagar Branch,
W-124, 3rd Avenue,
Anna Nagar,
Chennai - 600 040.
5. The Subordinate Judge,
Tirupattur, Vellore District.

+1cc to M/s.P.Neelakantan, Advocate, S.R.No.1380

+1cc to Mr.Rabu Manohar, Advocate, S.R.No.770

+1cc to the Government Pleader, S.R.No.1108

W.P.No.20851 of 2021

PCH(CO)
RLP(09/02/2022)