



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.27678 of 2021

Arulmigu Chamundeeswari Thirukovil
Represented by
Devangar Smudhaya Nalvazhvu Trust,
Vetavalam, Tiruvanamalai,
Rep by its President.

.....Petitioner

Vs

- 1.The District Collector,
Tiruvanamalai District.
- 2.The District Educational Officer,
Tiruvanamalai District.
- 3.The Inspector of Matriculation School,
Tiruvanamalai.
- 4.The Deputy Director of Town Panchayat,
Vellore, Vellore District.
- 5.The Executive Officer,
Vetavalam Town Panchayat,
Tiruvanamalai District.
- 6.Komaleswari Educational Trust,
Represented by its President,
No.8, Sivan Koil Street,
Vetavalam Town, Tiruvanamalai District.
7. Moorthy Matriculation School,
Rep by its Correspondent,
Vetavalam.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representations dated 27.01.2021 and 23.06.2021 and take action against the 6th and 7th respondent pass appropriate orders on the same within the stipulated time.



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For petitioner

: Mr. M. Devaraj

For R1, R4 & R5

: Mrs. C. Sangamithirai,
Special Government Pleader

For R2

: Mr. Stalin Animanyu,
Additional Government Pleader

ORDER

The present petition has been filed seeking a direction to the respondents 1 to 3 to consider the petitioner's representations dated 27.01.2021 and 23.06.2021 and pass orders on the same within the time frame fixed by this Court.

2. The case of the petitioner is that the petitioner trust was formed in the year 2003, subsequent to which various lease deeds were executed by the then trustee, in respect of the lands belonging to the temple in favour of respondents 6 & 7, however, the payment of lease amounts were defaulted. While being so, the respondents 6 & 7 without obtaining any planning approval, have constructed the school in the said lands, which is in violation of the Town and Country Planning Act. Hence, the information sought under the Right to Information Act was provided by the Public Information Officer attached to the 5th respondent stating that no planning permission was granted for constructing the school in the said lands. Therefore, the petitioner being the president of the Devangal Samudhaya Nalvazhvu Community Temple had made a representation dated 27.01.2021 to respondents 1 to 5 requesting to take action for cancellation of the recognition of the 7th respondent school, however, there was no proper response for the same. Thereafter, the petitioner made a representation dated 02.02.2021 to the 2nd respondent, however, no action was taken on the same. Once again, the petitioner made a representation dated 23.06.2021 to respondents 1 to 5. However, till date no action has been taken on the same. Hence, the present petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to consider the representation dated 27.01.2021 followed by the representation dated 23.06.2021 and take appropriate action against the respondents 6 & 7 within the time frame fixed by this court.

4. Learned counsel for the respondents submits that the dispute between the parties is civil in nature. Therefore, the petitioner may work out his remedy before the competent



civil forum in accordance with law. However, the present petition with the above prayer is liable to be dismissed.

5. A careful perusal of the materials available on record reveal that the dispute in question is civil in nature. Therefore, this Court is of the considered opinion that when the dispute between the parties is civil in nature, the course open to the petitioner is to work out his remedy before the competent civil forum and filing of Writ Petition before this Court is not sustainable. Hence, the prayer sought for by the petitioner in the present petition cannot be acceded to. Therefore, this Writ Petition deserves to be dismissed.

6. Accordingly, this Writ Petition is dismissed granting liberty to the petitioner to work out his remedy before the competent civil forum in accordance with law. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS
To

1. The District Collector,
Tiruvanamalai District.
2. The District Educational Officer,
Tiruvanamalai District.
3. The Inspector of Matriculation School,
Tiruvanamalai.
4. The Deputy Director of Town Panchayat,
Vellore, Vellore District.
5. The Executive Officer,
Vetavalam Town Panchayat,
Tiruvanamalai District.

+1cc to M/s.M.Devaraj, Advocate Sr.179
+1cc to the Government pleader SR.316

W.P.NO.27678 of 2021

ksm[co]
srg 04/02/2022