



W.P.No.27590 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.27590 of 2018

New Champions Sports Foundation,
Rep by its Partner, P.Paul Samuel,
G-1, Royal Nest, Old No.5,
New No.11, 6th Street,
Nandanam, Chennai – 600 035.

... Petitioner

Vs

- 1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai – 9.
- 2.The Director of Collegiate Education,
Chennai – 600 006.
- 3.The Principal,
Institute of Advanced Study in Education,
Saidapet, Chennai – 600 015.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 3rd respondent to consider the representation dated 13.07.2018 and consequently direct the respondents issuing order adopt Teachers College B Ground of 3rd respondent by the petitioner's Firm for lease to the period of one year subject to the conditions mentioned therein.



W.P.No.27590 of 2018

WEB COPY

For Petitioner : No Appearance

For Respondents : Mr.N.R.Gokulakrishnan
Additional Government Pleader
for R1 to R3

ORDER

There is no representation on behalf of the petitioner.

2.This writ petition has been filed for a mandamus to direct the 3rd respondent to consider the representation dated 13.07.2018 and consequently direct the respondents to issue order adopt Teachers College B Ground of 3rd respondent by the petitioner's Firm for lease to the period of one year subject to the conditions mentioned therein.

3.The case of the petitioner is that the petitioner is running a coaching academy by putting up nets in the 3rd respondent's play ground in Saidapet and a resolution was passed by the erstwhile Principal of the 3rd respondent/College on 06.11.2017 and to enter into a Memorandum of Understanding for a period of 15 years. The petitioner claims a right to continue for a period of 15 years in terms of the resolution of the 3rd respondent/College, based on the aforesaid resolution of the 3rd



W.P.No.27590 of 2018

respondent/College dated 06.11.2017.

4.This writ petition is opposed by the learned counsel for the respondents, particularly the 3rd respondent, herein. It is stated that there is no agreement between the Principal of the 3rd respondent/College and the petitioner. It is submitted that the petitioner has mis-construed his representation as a Memorandum of Understanding and therefore there cannot be any mandamus.

5.It is further submitted that the 3rd respondent by a communication dated 14.01.2018 bearing letter Rc.No.919/F/2018 has clearly stated that no agreement was signed between the 3rd respondent/College and the petitioner.

6.The question is whether the petitioner is entitled to a mandamus? The question of granting mandamus will arise only if there was a corresponding duty on the part of the 3rd respondent to lease out the land/play ground in favour of the petitioner. The petitioner is merely a Cricket Coaching Academy with commercial intention to run an



W.P.No.27590 of 2018

Academy in the 3rd respondent/college. No government order or any letter of Government has been produced to show that the 3rd respondent was duty bound to enter into lease with the petitioner. Dispute is purely a commercial dispute. The jurisdiction of the Court under Article 226 of the Constitution of India cannot be abused by the petitioner to enforce a commercial right based on an un-written understanding. If the petitioner has any right to lease out the land in terms of the so called Memorandum of Understanding executed between the the 3rd respondent/College and the petitioner, it is always open to the petitioner to file Civil suit before the appropriate Civil Court. Therefore, this writ petition is liable to be dismissed.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2022

Index : Yes/No
Speaking/Non-Speaking Order
jas



W.P.No.27590 of 2018

WEB COPY

To

- 1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai – 9.
- 2.The Director of Collegiate Education,
Chennai – 600 006.
- 3.The Principal,
Institute of Advanced Study in Education,
Saidapet,
Chennai – 600 015.



WEB COPY



W.P.No.27590 of 2018

C.SARAVANAN, J.

jas

W.P.No.27590 of 2018

13.10.2022