



W.P.(MD).No.338 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.338 of 2013

and

M.P.(MD)No.1 of 2013

Haji K.S.Sharfudeen,
Secretary,
M.K.N.Madarasa Trust,
Adirampattinam,
Thanjavur 614 701.

... Petitioner

Vs.

1.University Grants Commission,
represented by its Joint Secretary and Head,
Southern Eastern Regional Office,
4th Floor, APSFC Building,
5-9-194, Post Box No.152,
Chirag Ali Lane,
Hyderabad 500 001.

2.S.Mohamed Aslam
*(R2 impleaded, vide order, dated,
18.01.2013, in M.P.(MD)No.2 of
2013 in W.P.(MD)No.338 of 2013)*

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent herein to consider the representation of the petitioner, dated



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23.11.2012 and to take action in the request of the petitioner by appointing an Expert Committee to inspect the quality of construction and the cost of construction made in respect of the Women's Hostel and Indoor Stadium in Khadir Mohideen College Campus, Adirampattinam, Thanjavur District and to take suitable action as per report of the Expert Committee and consequently, permit the petitioner to proceed with further construction after receipt of the report.

For Petitioner	: Mr.S.Ram Sundar Vijayaraj for Mr.C.Jeganathan
For R2	: Mr.V.K.Vijayaraghavan *****

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 23.11.2012, by appointing an expert committee to inspect the quality of constructions made in respect of Womens' Hostel and Indoor Stadium, Khadir Mohideen College, Thanjavur District and to take suitable action as per the report of the said expert committee. The petitioner has further prayed that any further construction should be proceeded with only after the receipt of the said report.



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2. According to the learned Counsel for the petitioner, after taking charge as Secretary he came to know that the previous Board of Trustees and office bearers in collusion with the officials have swindled away the public money which was paid by way of grant by the first respondent herein for the construction of Womens' Hostel and also for the Indoor Stadium. Hence, he has prayed for appropriate enquiry with regard to the misappropriation of fund and maladministration by the previous Board of Trustees.

3. The learned Counsel for the second respondent contended that based upon the complaint lodged by the petitioner herein, a committee was appointed by the first respondent herein consisting of members of Bharathidasan University to look into the said allegation. The said committee has filed a report, dated 16.09.2010, to the effect that the Womens' Hostel has been constructed in good quality. Thereafter, a second report has also been filed by the committee to the effect that the constructions relating to Indoor Stadium are also in good quality. Not



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being satisfied with the said reports, the petitioner herein had filed an FIR in Crime No.32 of 2011 against the office bearers. After investigation, the said FIR was closed as mistake of fact. The closure of the said FIR was challenged in CrI.M.P.No.12044 of 2012 before the Judicial Magistrate Court at Pattukkottai. The said CrI.M.P. was also dismissed on the ground that the Magistrate cannot direct further investigation. The said order of the learned Magistrate was challenged before this court in Cr.R.C.(MD)No.22 of 2014. The said revision petition was dismissed as withdrawn with liberty to the petitioner to file a private complaint. The learned Counsel for the second respondent further contended that the University Grants Commission has also filed a counter affidavit supporting the case of the second respondent herein. Therefore, the contention of the respondents is that only to disqualify the second respondent from contesting in future elections, this kind of motivated allegations are been made.

4.The learned counsel for the first respondent relied upon the counter affidavit and contented that the buildings have been subject to



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verification by a Committee consisting of Professors of Bharathidasan University and they have found it to be in good quality.

5.I have considered the submissions made on the either side carefully. The present writ petition has been filed to consider the representation of the writ petitioner, dated 23.11.2012, under which allegations have been made against the previous Board of Trustees/office bearers. The main allegation is that the construction of the Womens' Hostel and Indoor Stadium are not in a good quality. The University Grants Commission has appointed a committee which has verified both the buildings. There are no records to show that the petitioner has initiated any private complaint as against the erstwhile office bearers.

6.In view of the above said facts, I find that the request of the petitioner, dated 23.11.2012, has already been complied with and nothing remains to be adjudicated in the present writ petition. In view of the two reports submitted to the UGC, I do not find any further enquiry is required to be conducted in the said issue. On the other hand, the learned



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Counsel for the petitioner submitted that on some other allegations after 2012, he has made certain representations. In such an event, it shall be proceeded with independently.

7. With the above said observation, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

Tmg

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.

Order made in
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