



W.P.(MD).No.18080 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.18080 of 2014

D.Binesh Surgin

... Petitioner

Vs.

- 1.The Director General of Civil Aviation,
Government of India,
Civil Aviation Department,
Office of Director General of Civil Aviation,
Opposite Safdarjung Airport,
New Delhi-110 003.
- 2.The Chairman and Managing Director,
Southern Pilot Training Academy,
(A Unit of Kohinoor Education Services Pvt.Ltd.),
Head Office,
#38-39, Prestige Enclave,
B.B.Road, Bettahalasur Cross,
Bangalore-562 157.
- 3.The Administrator,
Southern Pilot Training Academy,
Site B, Salem Airport,
Omallur Taluk,
Kamalapuram,
Salem District-636 309.



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4.The District Collector,
Salem District,
Salem.

5.The Superintendent of Police,
Salem District,
Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent, District Collector, Salem District Salem to recover the amount due to the petitioner a sum of Rs.11,95,000/- along with bank interest from the second and third respondents within the time frame that may be stipulated by this Court.

For Petitioner	: Mr.A.Prasanna Rajadurai
For R1	: Mr.C.Nandagopal
For R2	: No Appearance
For R3	: Mr.A.Srinivasan
For R4 and R5	: D.Sasikumar
	Additional Government Pleader

ORDER

The present writ petition has been filed seeking for a Mandamus, directing the fourth respondent to recover the amount due to the petitioner to a tune of about Rs.11,95,000/- (Rupees Eleven Lakhs and Ninety Five Thousand only) with Bank interest from the second and third respondents.



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2. According to the petitioner, he has applied for Commercial Pilot License Course and joined the third respondent Academy. He had also remitted a sum of Rs.1,00,000/- (Rupees One lakh only) in cash on 25.05.2012. The main grievance of the writ petitioner is that after he has remitted a fees of Rs.11,95,000/- (Rupees Eleven Lakhs and Ninety Five Thousand only), the third respondent Academy was closed by way of the orders passed by the first respondent.

3. However, the learned counsel appearing for the third respondent submitted that the third respondent Academy has challenged the said order and the writ petition is pending before the Principal Bench. The petitioner is having an option to continue his studies in the Bhopal branch of the third respondent Academy. The petitioner can exercise this option of continuing his course by joining the Bhopal branch of third respondent Academy. However, the learned counsel for the petitioner submits that the petitioner has pursued his other studies and now, he is abroad. The petitioner would like to recover the fee amount paid to the third respondent Academy. Since the petitioner does not want to pursue his studies before the Bhopal branch of the third respondent Academy,



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the petitioner is at liberty to pursue his remedy before the Civil Court for recovering the fee amount, for which he has not undergone the course. In case, if the petitioner approaches the Civil Court, he is at liberty to satisfy the said Civil Court with regard to the ingredients of Section 14 of the Limitation Act.

4. With the above said observations, this Writ Petition is disposed of. No costs.

12.07.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector,
Salem District,
Salem.
- 2.The Superintendent of Police,
Salem District,
Salem.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD).No.18080 of 2014

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