



W.P.No.947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.947 of 2023

Tirupur School for the Deaf
Represented by its Correspondent,
M.Jayanthi,
Murugapallayam,
Iduvampallayam Post,
Tirupur, Tirupur District.

... Petitioner

Versus

1. The Principal Secretary/State Commissioner
For Welfare of the Differently Abled Person,
Lady Willington College Campus,
No.5, Kamaraj Salai, Chennai.
2. The Welfare Officer,
District Differently Abled Person,
Tirupur, Tirupur District.
3. The Revenue Divisional Officer,
Tirupur, Tirupur District.
4. The Tashildar,
Tirupur South Taluk,
Tirupur, Tirupur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to issue the building approval certificate to the petitioner school Tirupur, School for deaf within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.T.Seenivasan,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction to the 4th respondent/The Tashildar, Tirupur South Taluk at Tiruppur to issue Building Approval Certificate to the petitioner school, Tiruppur School for the Deaf at Iduvampallayam Post at Tiruppur District.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the school had been functioning from the year 2006 onwards. It had also been stated that up to the year 2017, there was no issue relating to the running of the school.



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WEB COPY 3. A Deed of Declaration of Trust was also created in Document No.169/2006, dated 06.03.2006 and a Deed of Codicil was executed on 20.05.2017. A Lease Deed had been entered into for a period of 25 years on 18.05.2022. It had also been stated that one Govindaraj, had filed a suit before the Sub Court at Tiruppur in O.S.No.414 of 2009. The 2nd respondent had inspected the school and stated that various approvals had to be obtained for renewal of recognition. The compliances should be done on or before 31.01.2022. The time was extended till 29.04.2022.

4. The 2nd respondent had forwarded a letter to the 1st respondent on 14.02.2022 and again on 12.04.2022. The 2nd respondent had issued a communication relating to Form D, Building Approval, Sanitary Certificate, Fire Certificate, Audit Report, Students List, Qualified Teachers List. It was stated that if those documents were not presented, the functioning of the school will be stopped.

5. The petitioner had also filed W.P.No.6558/2022 to extend the time to submit the particular documents. It is stated that the 4th



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respondent/Tashildar had not issued the Building Approval Certificate. It was under these circumstances, the Writ Petition has been filed.

6. It is seen from the narration of the above, that a Civil Suit is pending and that the Writ Petitioner had earlier filed a Writ Petition and the Writ petitioner has filed this present Writ Petition without impleading the plaintiff in the Civil Suit.

7. Once a suit on land has been filed and is pending consideration, any structure to be put on the land will have to be done only with the knowledge of the parties to that particular Civil Suit.

8. Let the petitioner therefore file necessary application before that particular Court and in the presence of the plaintiff therein seek necessary remedies.

9. The Writ Court cannot be approached for every order passed by the respondent particularly when a suit is pending. The Civil Court alone would be capable of passing necessary orders.



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WEB COPY 10. The Writ Petition stands disposed of with a direction to the petitioner to approach the Civil Court for appropriate reliefs. No order as to costs.

12.01.2023

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

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C. V. KARTHIKEYAN,J.



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