



WEB COPY



W.P.No.20013 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.20013 of 2018

G.Sudha

... Petitioner

Vs.

1.The Puducherry University,
E.C.R.Road,
Kalapet,
Puducherry,
Puducherry State.

2.The Principal,
RVS College of Arts and Science,
Kalikuppam,
Thiruvattakudi,
Karaikal,
Puducherry State.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) as Compensation to the petitioner to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Dr.B.Ramasamy
Additional Government Pleader [R1]
M/s.AR.Karthik Lakshmanan [R2]



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ORDER

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This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the respondents to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) as Compensation to the petitioner to secure the ends of justice.

2.The case of the petitioner is that the petitioner's son, Vigneshkumar joined Bachelor of Computer Application (BCA) course in R.V.S. College of Arts and Science, second respondent herein. The said College does not have any recognition to run the BCA course and with a false promise, they have received amount from the petitioner's son. Hence, the petitioner lodged a complaint before the Inspector of Police, Kottuchery Police Station. Since no action has been taken, the petitioner has filed a Criminal Original Petition before this Court in CrI.O.P.No.11866 of 2017 under Section 482 of Cr.P.C. and this Court by its order dated 04.07.2017 has directed the Sub-Inspector of Police, Kottuchery Police Station to complete the enquiry within a period of four weeks. However, the Inspector of Police, Kottuchery Police Station has closed the case 'as mistake of fact'. Thereafter, on 09.07.2018, the petitioner has made a representation before the first respondent to take



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action against the second respondent College and for adequate compensation. However, the said representation made by the petitioner dated 09.07.2018 same was not considered. Hence, the petitioner has filed the present writ petition before this Court.

3.The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's representation dated 09.07.2018 and pass appropriate orders within the time frame that may be fixed by this Court.

4.The learned counsel appearing for the second respondent would submit that no claim was made against the second respondent. The petitioner has made a representation before the first respondent instead of working out his remedy in the manner known to law, which is not maintainable. Hence, he prayed for dismissal of this writ petition.

5.Heard both sides.



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M.DHANDAPANI, J.

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6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 09.07.2018, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition is disposed of with the above directions. No costs.

08.03.2023

Index : Yes / No
Speaking order / Non-speaking order
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To

The Puducherry University,
E.C.R.Road,
Kalapet,
Puducherry, Puducherry State.

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