



W.P.Nos.5556 and 15092 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

**MR.JUSTICE N.SESHASAYEE**

W.P.Nos.5556 and 15092 of 2020  
and W.M.P.Nos.6512, 18997 and 18815 of 2020

Crescent Higher Secondary School,  
No.73 Chanda Sahib Street,  
Puducherry  
Rep. by its Manager,  
M.Emthiyas

... Petitioner in W.P.No.5556 of 2020

Vs.

1.The Secretary to Government,  
Education Department,  
Government of Puducherry,  
Puducherry.

2.The Director,  
Directorate of School Education,  
Puducherry 605 005.

3.The Joint Director,  
Directorate of School Education,  
Higher Secondary Wing,  
Puducherry 605 005.

4.Nisar Ahmed

5.Farah Khan



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6.M.G.Mukthar Ahmed  
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... Respondents in W.P.No.5556 of 2020

Crescent Higher Secondary School,  
No.73 Chanda Sahib Street,  
Puducherry  
Rep. by its Manager,  
M.Emthiyas

... Petitioner in W.P.No.15092 of 2020

Vs.

1.The Secretary to Government,  
Education Department,  
Government of Puducherry,  
Puducherry.

2.The Director,  
Directorate of School Education,  
Puducherry 605 005.

3.The Joint Director,  
Directorate of School Education,  
Higher Secondary Wing,  
Puducherry 605 005.

4.The Secretary,  
Waqf and Minority Affairs,  
Chief Secretariat,  
Kuber Salai / Beach Road,  
Puducherry.

5.The Secretary,  
Waqf Board of Puducherry,  
No.3, 3rd Floor, Yanam Vengadasalam Pillai Street,



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6.The Management Committee,  
Rep. by its President,  
Waqf-Anjuman-E-Himayath-UI Islam,  
Puducherry-605 001.

7.Nisar Ahmed

8.Farah Khan

9.M.G.Mukthar Ahmed

10.Hajiram Bheevi ... Respondents in W.P.No.15092 of 2020

Prayer in W.P.No.5556 of 2020: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to forbear from entertaining any communication from respondents 4 to 6 with reference to administration and management of petitioner school run by Farouk Educational Trust approved by the order of 3rd respondent in order No.267/DSE/HSW/AC/A1/2019 dated 22.11.2019 and consequently take appropriate legal action against respondents 4 to 6 for creating false records to submit application for change of management of petitioner school in favour of Abdul Gaffar Abdul Kareem Sait Educational Trust and making public advertisement in the name of 'New Crescent Higher Secondary School, Puducherry', not approved and recognized by Education Department, by considering the representation of the petitioner school dated 23.12.2019.



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Prayer in W.P.No.15092 of 2020: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents 4 to 6 from leasing out the petitioner school premises located at No.568, M.G.Road, Puducherry in the name of respondents 7 to 10 in violation of the provisions of Rule 4 and Rule 5 of Waqf Properties Lease Rules, 2014 and to restore the lease of the school building in the name of petitioner school under the management of Farouk Education Trust forthwith, by considering the representation submitted by the petitioner dated 10.07.2020 and subsequent representations.

In W.P.No.5556 of 2020

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.Syed Mustafa  
Special Government Pleader  
for R1, R2 and R3

Mr.V.S.Senthil Kumar  
for R4 to R6

In W.P.No.5556 of 2020

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.Syed Mustafa  
Special Government Pleader  
for R1, R2 and R3

Mr.V.S.Senthil Kumar  
for R7 to R10

**COMMON ORDER**



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The petitioner herein is the Crescent Higher Secondary School, and it has a board of management that maintains the affairs of the school. While so, the petitioner became apprehensive that respondents 4 to 6 in W.P.No.5556 of 2020 are about to hijack the school under a new name, viz. New Crescent Higher Secondary School, under their management.

2.The petitioner has also filed W.P.No.15092 of 2020, wherein it seeks an order forbearing the respondents 4 to 6 in that Writ, not to transfer lease of the property in which the school operates to the same set of private respondents.

3.Learned counsel for respondents 4 to 6 in W.P.No.5556 of 2020 appeared before this Court and made a statement that they are not interfering with the petitioner's school. They also made a statement that the school is continued to be maintained by the very people who have been managing it all along, and that the apprehension of the petitioner is misplaced and misconceived. The said statement of the counsel for the respondents 4 to 6 is hereby recorded.

4.This Court considers that this dispute does not fall under the purview of the



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writ jurisdiction of this court. In any case, in view of the statement made by the private respondents, the petitioner's apprehension is misconceived. In view of the same, nothing survives for consideration in these Writ Petitions, and they are liable to be dismissed.

5. These Writ Petitions stand dismissed accordingly. No Costs. Consequently, the connected miscellaneous petitions are closed.

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Anu

Index : Yes / No

Neutral citation : yes/no

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N.SESHASAYEE, J.



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