



W.P.No.12543 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.12543 of 2020
and WMP.No.15450 of 2020

Kabali Nursery & Primary School,
Kamala Subramanian Educational Trust,
Rep. by its Trustee Meena Kumari,
Kabali Nagar, Adanur Village,
via Guduvancherry Post,
Sriperumbudur Taluk,
Kancheepuram District.

... Petitioner

Vs.

1. The District Educational Officer,
Sriperumbudur.
2. Sethu Ganapathy Mohan (deceased)
3. Shanthi Sethu Ganapathi Mohan
4. Kamaleshwari

[RR3 & 4 impleaded in the place of deceased R2,
vide order of this Court dated 16.08.2023 in
WMP.No.19119/2023 in WP.No.12543/2020]

5. S.Kabaleeswaran
6. S.Maheswari

[RR5 & 6 impleaded vide order of this Court dated
16.08.2023 in WMP.No.23409/2023 in WP.No.12543/2020] ... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 04.08.2020 in Na.Ka.No.584/A1/2018 to the first respondent herein quash the same and consequently direct the 1st respondent to grant approval to the petitioner school for the 2019-2020 upto 2021-22 year.

For Petitioner : M/s.A.L.Gandhimathi, Senior Counsel

For Respondents

for R1 : Mr.M.Bindran

for RR3,4,5 &6 : No Appearance

ORDER

The petitioner now challenges the proceedings of the first respondent dated 04.08.2020, whereunder he had conveyed his decision not to grant recognition to the petitioner for running a Nursery School and a Primary School.

2.According to the petitioner, the Kamala Subramanian Educational Trust is a family Trust, of which, late Sethu Ganapathy Mohan was one of the Trustees. The other trustee is Meena kumari, who is the correspondent of the petitioner.

3.It is the further case of the petitioner that on 01.05.2006, late Sethu Ganapathy



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Mohan in his capacity as a trustee of the Trust has leased the property to Meena kumari for 30 years for running a Nursery School and a Primary School as Kabali Nursery & Primary School. This was refused under the impugned proceedings and the reasons stated for the same are:

- a) that at different points of time, the Educational Trust is referred to by different names, whereas on an earlier occasion, the Trust was described by the name 'Kamala Subramanian Educational Trust', whereas in a communication dated 29.05.2012, it was given as 'Sri Natarajan Memorial Education and Charitable Trust'.
- b) The lease deed dated 01.05.2006 was not registered
- c) Late Sethu Ganapathy Mohan had instituted some civil suit.
- d) Since the title holder of the property has been given repeated objections, the first respondent has arrived at a conclusion that circumstances are not conducive for him to consider the case of the petitioner to grant necessary recognition.

4.The learned Additional Government Pleader appearing for the first respondent has submitted that besides the grounds stated in the impugned notice, there is yet



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another reason, viz., the building where the School was to be is also in a bad shape. It is relevant to extract para 9 of the counter affidavit, which reads as follows:

"9.Regarding the averments in para 6 of the affidavit of the petitioner it is submitted that as already stated above, the 2nd respondent herein has raised objection for the renewal of the recognition for the School on the ground that the property belongs to the 2nd respondent and the lease period already expired and further stated that the trustees have decided to remove the building because it is in dilapidated condition....."

5.Learned Senior Counsel appearing for the petitioner submitted that Sethu Ganapathy Mohan was removed as a trustee of the Trust since he was adjudicated as an insolvent in I.P.No.82 of 2001 by this Court. Thereafter, he laid OS.No.188 of 2016 before the District Munsif, Sriperumbudur for recovery of the property which was the subject matter of the lease dated 01.05.2006 granted in favour of Meena kumari. Subsequently, the said suit was dismissed for default. In the meantime, the said late Sethu Ganapathy Mohan has also passed away and the suit has not yet been restored.



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6. Without going into merits of the case, since there is a change of circumstances following the dismissal of the suit in OS.No.188 of 2016, this Court now only requires the petitioner to file a fresh application with all necessary materials, which inter alia may also be relevant to address some of the reasons stated in the impugned order of the first respondent dated 04.08.2020. The first respondent is required to hold an enquiry after giving an opportunity to those who are likely to be affected by his decision within a period of twelve weeks from the date on which, the petitioner, presents her fresh application for approval.

7. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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pvs

Index : Yes / No

Neutral citation : yes/no

To

The District Educational Officer,
Sriperumbudur.



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N.SESHASAYEE, J.

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