



W.P.No.18956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

W.P.No.18956 of 2023

and

WMP.No.18196 of 2023

1. Minor B.Sennila  
Rep. by her Father/Next Friend  
N.Balasubramaniam
2. Minor M.Elakkiya  
Rep. by her Father/Next Friend  
Moorthy
3. Minor V.P.Poorva  
Rep. by her Father/Next Friend  
Vijayakumar
4. Minor K.Riya Jen  
Rep. by her Father/Next Friend  
Kannan
5. Minor S.K.Habinav  
Rep. by his Father/Next Friend  
S.K.Karuppuchamy
6. Minor S.K.Harsha  
Rep. by her Father/Next Friend  
S.K.Karuppuchamy

...Petitioners

Vs.



W.P.No.18956 of 2023

WEB COPY

1. The Authorised Officer,  
M/s. Reliance Commercial Finance Ltd.,  
(Previously Reliance Capital Ltd.,)  
512, Shamin Tower, Thadagam Road,  
R.S.Puram, Coimbatore – 638 402.
  2. The Chief Educational Officer,  
Chief Educational Office,  
Erode.
  3. M/s.Ragavendra Educational Trust,  
Rep. By its Managing Trustee,  
C.Selvan,  
17, Malaikkarak Gounder Thottam,  
Karattur Road, Rangasamudiram Village,  
Sathyamangalam, Erode District.
  4. Sri Regavendra Matriculation Higher  
Secondary School,  
Rep. By its Correspondent,  
C.Selvan,  
17, Malaikkarak Gounder Thottam,  
Karattur Road, Rangasamudiram Village,  
Sathyamangalam, Erode District.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to defer the proceedings under the SARFAESI Act, 2002 with respect to the 4<sup>th</sup> respondent school premises run by the 3<sup>rd</sup> respondent Trust at No.15/1, Karattur Road, Rangasamudiram, Sathyamangalam, Erode District till the end of the current academic year 2023-2024 by considering the petitioners' representation dated 20.06.2023.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.P.Sathish, AGP, for R2



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## **ORDER**

**WEB COPY** This Writ petition has been filed seeking direction to the 1<sup>st</sup> & 2<sup>nd</sup> respondents to consider the petitioners' representation dated 20.06.2023 and to consequently, defer the proceedings initiated under the SARFAESI Act, 2002 with respect to the 4<sup>th</sup> respondent school premises run by the 3<sup>rd</sup> respondent Trust till the end of the current academic year 2023-2024.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the 2<sup>nd</sup> respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 3<sup>rd</sup> and 4<sup>th</sup> respondents, notice to the 3<sup>rd</sup> and 4<sup>th</sup> respondents is dispensed with.

4. The case of the petitioners is that the petitioners herein are studying in the 4<sup>th</sup> respondent school (hereinafter referred as 'School'), which was established and run by the 3<sup>rd</sup> respondent trust from the year 1996. Further, the 3<sup>rd</sup> respondent trust executed a lease deed dated 24.07.2008 bearing Doc.No. 3720 of 2008 in favour of the school for a period of 30 years and the said lease period expires only in the year 2037. While so, the 3<sup>rd</sup>



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respondent trust obtained a loan from the 1<sup>st</sup> respondent bank, by giving the trust properties towards security for the said loan, for the purpose of developing the school. However, as the 3<sup>rd</sup> respondent was unable to settle the outstanding dues, the 1<sup>st</sup> respondent initiated proceedings under the SARFAESI Act by issuing demand notice to recover the outstanding dues and also obtained necessary orders to take possession of the school premises. Immediately, the petitioners made representations dated 19.06.2023, 20.06.2023 and 21.06.2023, before the 1<sup>st</sup> and 2<sup>nd</sup> respondents, seeking to disclose certain information about the school and requested to defer any action as against the school under the SARFAESI Act till the end of the current academic year, which evoked no response. Hence, this Writ petition.

5. Learned counsel for the petitioners submitted that, there are about 400 students studying in the 4<sup>th</sup> respondent school and there are more than 60 students including the petitioners 3 to 6, who are direct beneficiaries under the Right of Children to Free and Compulsory Education Act, 2009 and the students who got admission as per the scheme of the said Act, need not pay any fees for the classes between LKG to VIII Standard. While so, if



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the 1<sup>st</sup> respondent is allowed to initiate proceedings under the SARFAESI Act and if the school is locked and sealed, the petitioners will not be able to proceed with their studies and they will not be able to avail the benefit under the above said Act. Hence, he submitted that, it would suffice if this Court issues direction to the 1<sup>st</sup> & 2<sup>nd</sup> respondents to consider the petitioners' representations dated 19.06.2023, 20.06.2023 & 21.06.2023 and to consequently, defer the proceedings under the SARFAESI Act, 2002 with respect to the 4<sup>th</sup> respondent school premise till the end of the current academic year 2023-2024.

6. On the above said contentions, heard Learned Additional Government Pleader appearing for the 2<sup>nd</sup> respondent and perused the materials placed on record.

7. Admittedly, for non payment of the outstanding dues, the 1<sup>st</sup> respondent initiated proceedings as against the school management under the SARFAESI Act in which, the petitioners are not aggrieved persons. If at all the petitioners are aggrieved, they have to make representation before the 2<sup>nd</sup> respondent and the jurisdictional District Collector. However, it appears



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that, the petitioners have already given representations before the 2<sup>nd</sup> respondent and the District Collector.

8. In view of the above, this Court without expressing any opinion on the merits of the case directs the 2<sup>nd</sup> respondent to consider the petitioners' representations dated 19.06.2023, 20.06.2023 & 21.06.2023 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any. However, the 2<sup>nd</sup> respondent is directed to ensure that the petitioners' studies are not hindered by any action in accordance with the SARFAESI Act.

9. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

**26.06.2023**  
**(1/2)**

skt

NCC : Yes/ No  
Speaking Order : Yes/ No  
Index : Yes/ No



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To

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**M.DHANDAPANI, J.**

skt

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and  
WMP.No.18196 of 2023  
(1/2)

26.06.2023



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WMP.No.18194 of 2023

in

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**M.DHANDAPANI., J.**

The present Miscellaneous  
petition filed to permit the petitioners  
to join together and file a single Writ  
petition is ordered as prayed for.

**26.06.2023**

**(2/2)**

skt