



WP No.22508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.22508 of 2022
and
W.M.P. No.11633 of 2023

S.Nirmala Devi

... Petitioner

Versus

- 1.The District Collector,
Chengalpattu District,
Chengalpattu.
- 2.The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu - 603 001.
- 3.The Tahsildar,
Tiruporur Taluk Office,
Tiruporur,
Chengalpattu – 603 001.
- 4.The Chief Educational Officer,
Government Girls Higher Secondary School,
JCK Nagar,
Chengalpattu – 603 001.
- 5.The District Educational Officer,
Chengalpattu District,
Government Girls Higher Secondary School,
JCK Nagar,
Chengalpattu – 603 001.



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6. Block Educational Officer,
Tiruporur Taluk Office,
Tiruporur,
Chengalpattu – 603 001.

7. Zing International Preschool,
No.3/420-A, Old Mahabalipuram Road,
Kazhipattur Village,
Chengalpattu District – 603 103.

(R7 impleaded vide order dated 02.02.2023 made in W.M.P.
No.23179 of 2022 in W.P. No.22508 of 2022 by CVKJ)

8. M. Aravind Kumar

9. M. Gopinath

... Respondents

(R8 and R9 impleaded vide order dated 02.02.2023 made in
W.M.P. No.23446 of 2022 in W.P. No.22508 of 2022 by CVKJ)

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing respondents 1 to 6 to consider the representation of the petitioner dated 12.08.2022 to initiate action to lock and seal the school functioning in name of Zing International Preschool at No.3/420 – A, Old Mahabalipuram Road, Kazhipattur Village, Chengalpattu District – 603 103 in S.No.241.

For Petitioner : Mr. Sirish Chowdhary
for M/s. T.M. Naidu and Co.

For Respondents : Mr. V. Baranidharan,
Additional Government Pleader
for R1 to R6



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Mr.G.Sankaran,
Senior Counsel for
Mr.S.Neduncheziyan for R7

Mr.T.N.Rajagopalan for R8 and R9

ORDER

The petition has been filed seeking a direction to the respondents 1 to 6 to consider the representation of the petitioner dated 12.08.2022 to initiate action to lock and seal the school functioning in name of Zing International Preschool at No.3/420 – A, Old Mahabalipuram Road, Kazhipattur Village, Chengalpattu District – 603 103 in S.No.241.

2. It is the case of the petitioner that he has right over the property which is possessed by the 7th respondent and therefore, he has filed a partition suit before this Court in CS.No.739/2009 in respect of S.No.241 situated at No.3/420-A, OMR, Kazhipattur Village, Chengalpattu District, which is arrayed as Schedule III property in the abovesaid suit. The petitioner was approached by one Zing Phonics Academy for purchasing the said Schedule III Property and he had referred to the suit and declined. Thereafter, the petitioner approached Mr.Madhava Rao who is the first defendant in CS.No.730 of 2019 and without any statutory approvals had occupied the said



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premises. The petitioner has duly raised a written objection dated 20.1.2022 for running of a school in an unapproved premises and more fully when the petitioner had preferred a partition suit and the same was pending. Under these circumstances, the management of the said school had in the name of Zing International Pre-School, is running from 13.03.2022 without any approval and many children are admitted in the said school. The petitioner has made an objection on 18.07.2022 that the school have to open only after grant of approval. Aggrieved by the same, a representation dated 12.08.2022 was issued to the respondents seeking to forthwith lock and seal, the functioning of the illegal school. Till date, the respondents have not taken any action on the said representation and hence, the present writ petition has filed.

3. The learned counsel for the petitioner submitted that during pendency of the writ petition, the District Educational Officer already passed an impugned order on 30.08.2022 as against the school for not to admit the students and subsequently, the Tahsildar vide its order dated 06.04.2023 rejected the petitioners Form-D public building license. In view of the above, this Court may issue a direction to the respondents to implement their own orders dated 30.08.2022 and 06.04.2023 within the reasonable time, after providing opportunity to the petitioner.



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WEB COPY 4. The learned Senior Counsel appearing on behalf of the 7th respondents submitted that admittedly the 7th respondent is running a school viz., Zing International Pre-School, which is owned by the respondents 8 & 9. Admittedly, the petitioner filed a partition suit before this Court and also filed an interlocutory application for getting interim injunction and the same was dismissed by this Court. However, without approaching the appellate authority, the petitioner has repeatedly sent representations before the revenue authorities for taking appropriate action, which is not sustainable one. The remedy is available only before this Court where the civil suit is pending.

5. The learned counsel for the respondents 8 & 9 have adopted the arguments made by the learned counsel for the 7th respondent.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and also of the fact that the Thasildar has passed an order dated 06.04.2023 rejecting the application for building approval, this Court directs the respondents 3 & 5 to



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implement their own orders dated 30.08.2022 and 06.04.2023 respectively after providing opportunity to the petitioner as well as the private respondents and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, if there is no legal impediment.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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To

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- 3.The Tahsildar,
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