



WP(MD).No.13083 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 15.03.2023

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THE HONOURABLE MR.JUSTICE B. PUGALENDHI

W.P(MD).No. 13083 of 2014 and
MP(MD).No.2 of 2014

1.Rajamurugan

2. G.Deivendran

Petitioners

Vs.

1. The Superintendent of Police,
Madurai District.

2.The Additional Superintendent of Police,
PEW, Madurai District, Madurai.

3.The Deputy Superintendent of Police,
Usilampatty, Madurai District.

4.The Inspector of Police,
Usilampatti Town Police Station, Mdurai District.

5.The Inspector of Matriculation Schools,
Tallakulam, Madurai.

6.B.Jeyarajan

7.A.Mathan Kumar Pandiyan Respondents
(R7 impleaded vide Court order dated 22.09.2014)



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8.The Chief Educational Officer,
Madurai Region
Suo motu impleaded vide Court order, dated
19.01.2023.

Respondents

PRAYER:- This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to provide adequate protection to the petitioners to administer the Nadar Saraswathi Matriculation Higher Secondary School against any interference from the 6th respondent and to take appropriate action in consideration of the petitioner's representation, dated 22.05.2014.

For Petitioners : Mr.Vinoharan
for Mr.G. Prabhu Rajadurai
For R1 to R5 and R8: Mr. Shaji Bino
Special Government Pleader
For R7 : Mr. S.V.No. Siva

ORDER

This Writ Petition has been filed for a relief of Mandamus directing the respondents 1 to 4 to provide adequate protection to this petitioners to administer the Nadar Saraswathi Matriculation Higher Secondary School against any interference from the 6th respondent.



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2. This Writ Petition has been filed in the year 2014 is kept pending for the past nine years. When this Writ Petition was taken up for hearing on 28.02.2023, this Court directed the 8th respondent to file an affidavit explaining as to how the 6th respondent in this Writ Petition has been continuing to administer the school. Today, when the matter was taken up for hearing, the learned Special Government Pleader has filed an affidavit of District Educational Officer, Madurai stating that there are several litigations are pending between the parties in O.S.No.16 of 2015 and the same is also now reserved for orders before the Court below.

3. On the submission made by the learned Special Government Pleader, the learned counsel appearing for the petitioner has also made an endorsement to withdraw this Writ Petition.

4. The learned counsel appearing for the 7th respondent submitted that the petitioners who are no way connected with the administration of the Usilampatti Nadar Saraswathi Matriculation Higher Secondary School, has filed the Writ Petition in order to harass the 6th respondent. He further submits that with regard to the administration of the temple several litigations are pending between the parties and finally



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the Hon'ble Supreme Court disposed the appeal filed by the 6th respondent in C.A.Nos.9152 to 9154 of 2013 on 01.02.2023 in the following terms:

“The dispute in the present matter relates to the management and control of Usilampatti Nattahti Nadargal Uravinmuraikku Pathiyamana Nadar Saraswathy Higher Secondary School and Primary School Paribalana Sabai, Usilampatty, bearing Registration No.35/1981,, having its registered office at T.B.Road, at Usilampatty, Tamil Nadu – 625 532 ('the Society'). The impugned judgment passed by the Division Bench of the Madurai Bench of the Madras High Court, dated 30.04.2013 was partially stayed by this Court vide interim order dated 19.05.2013. In view of the interim stay, the directions given in the impugned judgment that the government shall initiate action under Section 34-A, of the Tamil Nadu Societies Registration Act, 1975, has been stayed. The said order has continued to remain in force.

It is pointed out that some of the members of the society have filed Civil Suit O.S.No.16 of 2015, titled “P.C. Rajendran and others Vs. Usilampatty Nattathi Nadar Uravinmuraikku



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Pathiyamana Nadar Saraswathy Higher Secondary School and Primary School Paribalana Sabai Usilampatty (Registration No. 35/61) and others” before the Court of the Subordinate Judge, Periyakulam, in which suit, evidence has been recorded and the matter is listed for final arguments and disposal.

During the course of hearing, the learned counsel for the parties have agreed that the present appeal may be disposed of with a direction that the interim order passed by this Court would remain in operation till the decision of the aforesaid suit. It will be open to the parties to move an application for interim relief if the appeal or appropriate judicial proceedings, which application, if filed, would be decided in accordance with law. We also grant liberty to the parties to move an appropriate application before this Court, in case there is any difficulty in implementation of the order.

We clarify that we have not expressed any opinion on the merits of the case.

We request the trial Court to dispose of the suit bearing O.S.No.16 of 2015 as soon as possible and preferably within a period of three months from today.”



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He further submits that the suit has also been taken up for hearing and the arguments have been completed and now, reserved for orders and therefore, nothing survives for adjudication in this Writ Petition.

5. Since the petitioner has also made an endorsement to withdraw this Writ Petition, this Writ Petition is dismissed as withdrawn. No costs. Consequently, the connected Miscellaneous Petition is closed.

15.03.2023

Index : Yes/No
Internet : Yes/No

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