



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

Rev.J.John Samuel,
Correspondent,
SPG Middle School,
Trichy Road,
Thuraiyur,
Trichy District.

... Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Thuraiyur Taluk,
Trichy District.

3. The Assistant Elementary Educational Officer,
Thuraiyur,
Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records of the 2nd respondent dated 20.10.2014 in Na.Ka. A2.1700-14 and quash the same as illegal and unconstitutional consequently direct the 2nd respondent to issue structural



stability certificate for the petitioner school till the outcome of Civil Suit in O.S.No.454 of 2003, pending on the file of Sub Judge, Thuraiyur.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is running a school. He sought issuance of stability certificate. Since the land in question has been classified as Government poramboke, the jurisdictional Tahsildar declined to issue the certificate sought for by the petitioner. There was correspondence in this regard between the department and the petitioner. The petitioner had filed O.S.No.454 of 2003 before the Sub Court, Trichy seeking declaration and permanent injunction. The suit appears to have been dismissed for default. After the petitioner succeeds in restoring the same, he can revive the said cause of action.



3. Granting liberty to the petitioner to move this Court again, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Trichy District,
Trichy.
2. The Tahsildar,
Thuraiyur Taluk,
Trichy District.
3. The Assistant Elementary Educational Officer,
Thuraiyur,
Trichy District.



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