



C.R.P(MD)No.2198 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **07.08.2023**

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.2198 of 2018

and

C.M.P(MD)No.9813 of 2018

R.Suseela Rengarajan

...Revision Petitioner/
Respondent/Defendant

Vs.

P.Elanchezhian

...Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order, dated 26.09.2018 made in I.A.No.845 of 2018 in O.S.No.924 of 2018 on the file of the III Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.V.Panneer Selvam

For Respondent : Mr.K.Govindarajan

ORDER

This civil revision petition has been filed against the order passed by the learned III Additional District Munsif, Tiruchirappalli in I.A.No. 845 of 2018 in O.S.No.924 of 2018, dated 26.09.2018.



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2. For the sake of convenience, the parties will be referred as per the litigative status before the Trial Court. The petitioner is the respondent/defendant and the respondent herein is the Petitioner/Plaintiff before the Court below.

3. The brief facts which give rise to the filing of the instant civil revision petition is that the plaintiff has filed a suit for relief of declaration and for permanent injunction restraining the defendant from interfering with the administration of E.R. Higher Secondary School Committee. It appears that along with the suit, the petitioner/plaintiff has filed an application under Order 39 Rule 1, 2 and Section 151 of C.P.C., for the relief of ad-interim injunction. In the said application, prior to issuance of notice to the respondent/defendant, the Court below by an order dated 26.09.2018, has granted an ad-interim injunction till 10.10.2018.

4. Aggrieved with the order of ad-interim injunction, the petitioner herein has approached this Court on the ground that the very suit is not maintainable before the civil Court in view of the Section 53 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. Section 53 of



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the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973
reads as under:

"53. Civil Court not to decide questions under this Act. - No Civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act."

5. While referring the above section, the act which could be dealt with by any Authority or Officer cannot be adjudicated before the Civil Court. Here in this case, the petitioner has filed a suit in respect of the contravention of Rule 12 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1973 and also questioning the appointments made by the School Committee.

6. The learned counsel for the petitioner herein would invite the attention of this Court that the suit is hit by Section 53 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973

7. Since there is a bar under Section 53 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, the Court below would have given notice before giving any interim reliefs. However, in this case, no notice was issued to the respondent and ad-interim



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injunction was granted. Therefore, this Court is of the view that such ad-interim order is liable to be interfered with by setting aside the same.

8. In the result, this Civil Revision Petition stands **allowed** thereby remitting back the I.A.No.845 of 2018 before the Court below to dispose of the same, according to law after giving notice to the respondent without being influenced by the observation made by this Court. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The learned III Additional District Munsif,
Tiruchirappalli.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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