



W.P(MD)No.25213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25213 of 2023

and

W.M.P.(MD)No.21405 of 2023

A.Mariappan

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District.
- 2.The Commissioner,
Paramakudi Municipality,
Ramanathapuram District.
- 3.The Chief Education Officer,
Ramanathapuram District.
- 4.The District Education Officer,
(Private Schools),
Ramanathapuram District.
- 5.The Principal,
Agnes Matriculation School,
No.3/100A, Mudhukulathur Road,
Barma Colony, Paramakudi,
Ramanathapuram District.
- 6.The Authorized Officer,
INCRED Finance,

1/6



W.P(MD)No.25213 of 2023

No.234/256J3, S.R.Plaza 1st Floor,
Bypass Road, Madurai – 625 016.

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 4 to ensure that the students studying in the 5th respondent's school do have their continuance of their studies in the current academic year (2023 - 24) in the very same school itself without any break by taking appropriate initiatives towards getting the entry into the 5th respondent's school, i.e. Agnes Matriculation School, No.3/100A, Mudhukulathur Road, Barma Colony, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1, R3 & R4.
Mr.S.Ashok for R5.
Mr.G.Prahu Rajadurai,
For Mr.K.Sivabalan for R6.

ORDER

Heard both sides.



W.P(MD)No.25213 of 2023

2. Agnes Matriculation School, Barma Colony, Paramakudi was run by Kesavamoorthy and his wife Meenatchi. They had availed loan from the sixth respondent. They committed default. The sixth respondent took recourse to SARFAESI proceedings and took possession of the school. The school is under lock and seal.

3. The writ petitioner has approached this Court for de-sealing the premises so that the students can peacefully complete the present academic year.

4. I am conscious that the Writ Court will not be justified in interfering with the action taken under SARFAESI Act. I, therefore, called upon the learned counsel for the sixth respondent to consider if the students can be permitted to complete their education till the end of the academic year.

5. I am happy to record that the sixth respondent had shown abundant grace. The sixth respondent informs the Court that the watchman engaged by them would open the school premises every



W.P(MD)No.25213 of 2023

morning at 07.00 am and close the premises by 07.00 pm.

Thiru.Kesavamoorthy shall not enter the school premises. The fifth respondent gives an undertaking before this Court that she would maintain the building in good repair and condition. This arrangement will continue till the end of the current academic year (2023 – 2024). So long as the borrowers are unable to obtain an order in their favour, the management of Agnes Matriculation School is restrained from admitting students for the next academic year. It is further made clear that the students presently studying will have to make alternative arrangement to pursue their education for the next academic year.

6.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

30.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.25213 of 2023

To:-

- 1.The District Collector,
Ramanathapuram District.
- 2.The Chief Education Officer,
Ramanathapuram District.
- 3.The District Education Officer,
(Private Schools),
Ramanathapuram District.



WEB COPY



W.P(MD)No.25213 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.25213 of 2023

30.10.2023