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W.P.(MD)NO.26869 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26869 of 2019 and
W.M.P.(MD)Nos.23211 & 23212 of 2019

N.Kamal

... Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Chief Executive Officer,
Wakf Board, Chennai.
3. The District Collector,
Kanyakumari District, Nagercoil.
4. The Chief Educational Officer,
Kanyakumari District.
5. The Tahsildar,
Agasteeswaram.
6. The Block Educational Officer,
Suchindrum.
7. Babul Jannah Islamic Welfare Association,
Rep. by its Secretary cum
Correspondent of A1 Jannath English School,
Muslim Street,
Kanyakumari.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to shift the 7th respondent school to some other fit place and granting such other relief which this Court deems fit and proper in the circumstances of this case.

For Petitioner : Mr.RM.Arun Swaminathan

For R-1, R-3
to R-6 : Mr.T.Amjad Khan,
Government Advocate.

For R-7 : Mr.Ajmal Khan,
Senior Counsel,
for Mr.M.P.Senthil.

For R-2 : Mr.K.K.Senthil

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1, 3 to 6 and the learned Standing counsel appearing for the Waqf Board and the learned Senior counsel appearing for the seventh respondent.



2. The petitioner is having his premises at Muslim Street, Kanyakumari. The seventh respondent is running a primary school in the vicinity. The petitioner wants the school to be shifted to some other place.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. While I endorsing the contention of the writ petitioner's counsel that the running of the school should not cause nuisance to the writ petitioner, I am not inclined to direct either closure of the school or even its shifting.

5. The learned Senior counsel drew my attention to the order dated 21.04.2022 made in W.P.(MD)No.7570 of 2022. The school had applied for renewal of their recognition. But the request was rejected citing the pendency of this writ petition. Challenging the same, the aforesaid writ petition was filed. Vide order dated 21.04.2022, this Court while setting aside the rejection order, remanded the same to the file of the



District Educational Officer, Nagercoil, for fresh consideration. The authority was directed to consider the request for renewal without taking note of the pendency of this writ petition. It is stated by the learned Senior counsel that the authority is yet to pass final order. The rights of the parties will abide by the order to be passed by the District Educational Officer, Nagercoil. It is made clear that the vehicles belonging to the seventh respondent will not be parked in front of the petitioner's premises.

6. With these directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Index : Yes / No

Internet : Yes/ No

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WEB COPY



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G.R.SWAMINATHAN,J.

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