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WP.No.3457 & CrI.OP.3619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP..No.3457 of 2024
and
CrI.OP.No.3619 of 2024
and
WMP.No.3712 of 2024
in
WP..No.3457 of 2024

WP.OP.No.3457 of 2024:

M/s.Literacy Mission Matriculation
Higher Secondary School
owned and Run by
M/s.Pooni Charitable Trust,
Rep.by its Secretary Mr.R.Ramamoorthy
having its Office at Samalapuram,
Somanur Post, Palladam Taluk,
Tirupur District-641 668.

... Petitioner

Vs.

- 1.The Superintendent of Police
Collectorate Building
Behind LRG College,
Palladam Road,
Tirupur – 641 664.
2. The Deputy Superintendent of Police
Trichy Main Road,
Near Palladam Police Station,
Palladam,Tirupur.



WP.No.3457 & CrI.OP.3619 of 2024

3. The Inspector of Police,
Mangalam Police Station,
Palladam Road,
Mangalam,
Tirupur – 641 663.
4. S.A.Senthilkumar
5. G. Rathinasabapathy
- 6.G. Manoharan
- 7.R. Ramathal
8. Ganesan
9. Seenivasan
10. R. Rayappan
11. P. Ganesamoorthy
12. P. Ganesan
13. A. Velusamy
14. S. Gunasekar
15. A.S.Selvakumar
16. Parents Teachers Association
Represented by its President
Mrs.K.Ruckmani
M/s.Literacy Mission Matriculation
Higher Secondary School,
S.F.No.858,Main Road,
Opposite to State Bank of India,
Samalapuram,
Tiruppur District-641 663
- 17.R.Geetha

... Respondents

CrI.OP.No.3619 of 2024:

1. S.A.Senthil Kumar

... Petitioner

Vs.

- 1.The Superintendent of Police
O/o.The Superintendent of Police
Paladam main road,
Tirupur – 641604.



WP.No.3457 & Crl.OP.3619 of 2024

2. The Inspector of Police,
Mangalam Police Station,
Puthupalayam, Tirupur District.

3. R. Ramamoorthy

... Respondents

Prayer in WP.No.3457 of 2024: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to give necessary police protection to the life and limb of petitioner and to discharge the petitioner's duties and for running the school and trust peacefully by considering the petitioner's complaint dated 12.01.2024, 22.01.2024 and 24.01.2024.

Prayer in Crl.OP.NO.3619 of 2024: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, prayed to direct the 2nd respondent to give ample police protection to the petitioner by considering the representation letter dated 23.01.2024.

WP.No.3457 of 2024

For Petitioner: Mr.N.Manokaran
for Mr.S.Ananth

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For Petitioner : Mr.G.Sankaran,
Senior Counsel for
Mr.S.Nedunchezhiyan
(in WMP.No.4900 of 2024
in
WP.No.3457 of 2024)



WP.No.3457 & Crl.OP.3619 of 2024

Crl.OP.No.3619 of 2024

WEB COPY

For Petitioner : Mr.PVS. Giridhar
Senior Counsel
for M/s.PVS Giridhar Associates

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R1 and R2
Mr.N.Manoharan for R3
for Mr.S. Ananth

COMMON ORDER

This Writ petition is filed by M/s.Literacy Mission Matriculation Higher Secondary School owned and run by M/s.Ponni Charitable Trust represented by its Secretary Mr.R.Rama Murthi.

2. The petitioner herein seeks issuance of writ of mandamus directing the respondents 1 to 3 to give necessary police protection to the life and limb of petitioner and to discharge his duties in connection with administering the School and the Trust peacefully.

3. According to the petitioner, M/s. Ponni Charitable Trust is the educational agency which has started by the M/s.Literacy Mission Matriculation Higher Secondary School in the year 1995. As per the



WP.No.3457 & CrI.OP.3619 of 2024

Board of Trustees' Resolution dated 27.12.2018, three new trustees were inducted and the same has come into force. While so, the 5th and 6th respondents namely G. Rathinasabapathy and G. Manoharan existing trustees started acting against the interest of the Trust and school management and litigations are initiated.

4. Initially, Writ Petition in W.P.No.14669 of 2019 for police protection was filed by the petitioner-M/s.Literacy Mission Matriculation Higher Secondary School (in short LMM) and the Court directed the police to give police protection. Thereafter, one of trustees by name Subramaniam filed a Suit in O.S.No.106 of 2020 before the Principal District and Sessions Court, Thiruppur seeking permanent injunction against the writ petitioner, challenging the proposed trust meeting dated 27.02.2020.

5. Another Suit in O.S.No.300 of 2019 filed by this writ petitioner (LMM) seeking permanent injunction restraining the rival trustees from interfering in the management. Yet another suit in O.S.No.454 of 2020 challenging the extraordinary executive committee meeting dated 22.08.2020 was also filed by this petitioner (LMM).



WP.No.3457 & CrI.OP.3619 of 2024

6. On the part of the rival group, the 4th respondent namely S.A.Senthilkumar filed a suit in O.S.No.741 of 2022 before the Principal District Court, Thiruppur seeking mandatory injunction to conduct Board of Trustee Meeting. Another Suit in O.S.No.290 of 2023 filed by this petitioner (LMM) is still pending. This chain of litigations in brief is in connection with taking control over the management of school.

7. The sum and substance of the rival contentions in short is that Mr.Ramamoorthy who is the Secretary of M/s.Literacy Mission Matriculation Higher Secondary School (LMM) and the petitioner in writ petition in W.P.No.3459 of 2024 been the elected trustee for a tenure of two years and even after expiry of the period by virtue of interim protection granted was holding the post till the disposal of O.S.No.300 of 2019 on 18.10.2023. Pending few months prior to the dismissal of the suit, resolution alleged to have been passed by the rival group headed by Senthil Kumar on 19.03.2023 has vested the management with the rival group headed by Senthil Kumar and others who are the respondents 4 to 7.



WP.No.3457 & CrI.OP.3619 of 2024

8. In such circumstances, the Writ Petition in W.P.No.3457 of 2024 is filed for the prayer seeking police protection, on the premise that since the resolution dated 19.03.2023 is illegal, invalid and void as initio and not binding on the plaintiff (LMM) and others and the same has to be declared as null and void and alleged removal of Ramamoorthy from the Board of Trustees as void of initio and for other reliefs. The said suit is pending and no interim order been passed protecting the right of the petitioner(LMM). While so, the present writ petition seeking police protection on the premise that earlier protection was granted by this Court before the disposal of suit in O.S.No.300 of 2019 and subsequent resolution removing him from the Board of Trustees been under challenge, the protection must be extended to him is not sustainable under law and therefore this Court is not inclined to grant any relief in the writ petition. The issue does not stop with the dismissal of the writ petition, but, there is something else to be observed in this litigation since there are two other petitions which are under consideration by this Court. One is CrI.OP.No.3619 of 2024 and the implead petition filed by one individual by name Geetha and the Parents Teachers Association.



WP.No.3457 & Crl.OP.3619 of 2024

9. This Criminal Original petition is filed by Senthil Kumar/petitioner herein/ fourth respondent in W.P.No.3457 of 2024 who also claims to be the Secretary of M/s.Ponni Charitable Trust and Correspondent of M/s.Literacy Mission Matriculation Higher Secondary School and he claims such status based on the resolution passed on 19.03.2023 which is subjudice and subject matter of suit in O.S.No.290 of 2023. He also seeks police protection in the Crl.OP on the strength of the resolution which is under challenge in O.S.No.290 of 2023. Two implead petitions filed to pass appropriate order protecting the interest of the students who are pursuing their courses in the said educational institute.

10. The learned Government Advocate (Crl.Side) submitted that pursuant to the direction of this Court while these matters are pending enquiry was conducted by the Deputy Superintendent of Police, Palladam Division, Thiruppur and in his report had stated that since 2019 there is dispute between two groups to control over the management and Civil Suits were instituted against each other. In an earlier suit in O.S.No.300 of 2019, an interim order was passed in favour of Rama Murthy in I.A.No.511 of 2019 which was challenged before the High Court and



WP.No.3457 & CrI.OP.3619 of 2024

then before the Hon'ble Supreme Court ultimately in S.L.P, interim Order granted in favour of I.A.No.511 of 2019 disposed of **and dismissed** on 03.11.2023. He has expressed that there is perpetual threat and disturbance to the peaceful functioning of the School and probability of disturbance to the public peace and law and order. He has also informed this to the Chief Education Officer, Thiruppur District vide communication dated 23.01.2024. The Educational Institute cannot be converted in to battle ground to test the money and muscle power of rival groups which want to take control over the management.

11. In appropriate case where the State has to exercise power conferred under the Statute to take over the control of the management till the Civil Suit reaches its finality. In this connection, the Deputy Superintendent of Police, Thiruppur District has already informed the Chief Education Officer about the likelihood of the disturbance to law and order due to the dispute between two rival groups. Parents Teachers' Association has also by getting themselves impleaded has expressed their apprehension and the disturbance faced by the students due to this rivalry. Hence, it is an appropriate case that the State has to act upon and exercise power under Section 56(3) of Tamil Nadu Private School



WP.No.3457 & CrI.OP.3619 of 2024

Regulation Act and pass appropriate order. As far as the prayer seeking police protection by both the groups, one in the writ petition WP.No.3457 of 2024 under Article 226 of the Constitution of India and the another in CrI.OP.No.3619 of 2024 filed under Section 482 of Cr.P.C cannot be entertained for the reasons stated above and the case for State to exercise the power under Section 31 of Tamil Nadu Private School Regulation Act, 2018 and prevent maladministration and misappropriation as well as disturbance to the peaceful continuation of the education around 3000 students with 170 teaching staff .

12. In view of the above, the above writ petition and Criminal Original petition are dismissed with direction to the respondent police to take appropriate action against miscreants to cause disturbance to peaceful administration of the school. No costs. Consequently, the connected miscellaneous petition is closed.

17.04.2024

Vv



WP.No.3457 & CrI.OP.3619 of 2024

To

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Palladam,
Tirupur.
3. The Inspector of Police,
Mangalam Police Station,
Palladam Road,
Mangalam,
Tirupur – 641 663.
4. The Superintendent of Police
O/o. The Superintendent of Police
Paladam main road,
Tirupur – 641604.
5. The Inspector of Police,
Mangalam Police Station,
Puthupalayam, Tirupur District.
6. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



WP.No.3457 & CrI.OP.3619 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

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CrI.OP.No.3619 of 2024
and
WMP.No.3712 of 2024
in
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