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W.P.No.4753 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.4753 of 2020

Kamalam International School
(Affiliated to CBSE New Delhi)
under th Management of
Sri Meenakshi Educational & Charitable Trust,
rep. by its Correspondent
C.Muthukumaran
K.Naduhali
Palacode Road (Near NH Flyover)
Dharmapuri - 636 809

... Petitioner

vs.

1. The Sub-Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Office of the Tahsildar,
Dharmapuri
3. The Tamil Nadu Wakf Board
rep. by its CEO,
No.1, Jaffer Sarang Street,
Vallai seethakathi Nagar,
Chennai - 600 001
(R3 impleaded vide order
dt.03.09.2020 made in
WMP.12158/2020 in
W.P.4753/2020 by KRCBJ)

..Respondents



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Prayer in W.P. : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to dispose the petitioner's appeal No.4618 of 2019 dated 16.09.2019 conduct an enquiry by affording reasonable opportunity to the petitioner and directing the respondents to renew and issue the license in the form D Format as was issued earlier on 04.05.2012 within a time frame fixed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate.

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the 1st respondent herein to dispose the petitioner's appeal No.4618 of 2019 dated 16.09.2019 by conduct an enquiry and by affording reasonable opportunity to the petitioner and to direct the respondents to renew and issue license in the form D Format as was issued earlier on 04.05.2012 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the Trustees Dr.P.Subramanian



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and Dr.R.Kamalam had purchased the land in survey Nos.110, 111, 113/1, 135/3, 136/2 and 137/2 in K.Naduhalli Village in Dharmapuri District by way of registered sale deeds dated 15.07.1994 and 23.08.1995. All the revenue records reflects in their names. In order to impart quality education to the residents in and around K.Naduhalli village and also to help the needy, they formed a trust on 15.02.2010 and decided to establish a School. The respondent also issued license for running the school on 04.05.2012. Affiliation was also issued by Central Board of School Education on 07.10.2013 and the same was renewed on 08.12.2015. In order to renew the affiliation for further period of license, Form D format from the respondent should be annexed. Therefore, the petitioner submitted an application on 17.06.2019 requesting the respondent to issue license in form D format but the 2nd respondent vide proceedings dated 05.07.2019, refused to grant license stating that a case is pending between the patta holders of the land, in which, the School is situated. The said order was passed without affording opportunity to the petitioner. Therefore, the petitioner filed W.P.No.22079 of 2019 challenging the proceedings of the respondent dated 05.07.2019 and to issue license by way of D form certificate. This Court disposed of the said writ petition directing the respondent to consider the case of the petitioner by giving opportunity of hearing to all the parties concerned. Thereafter,



an enquiry was conducted and the 2nd respondent denied the license vide proceedings dated 22.08.2019 stating that the case is pending in W.P.No.22358 of 2019 before this Court. Aggrieved by the proceedings dated 22.08.2019, the petitioner preferred an appeal before the 1st respondent on 16.09.2019 to issue license in form D format but till this date, it was not disposed of. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the first respondent to consider the appeal filed by the petitioner in Appeal No.4618 of 2019 dated 16.09.2019 and pass orders on the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner. It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner and it is for the first respondent to consider and decide. The Writ Petition is disposed of accordingly. No costs.



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Index :yes/No
Speaking /Non speaking order
vsi

To

1. The Sub-Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Office of the Tahsildar,
Dharmapuri

J.NISHA BANU, J.

vsi



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