



W.P.No.4762 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.4762 of 2020
and
W.M.P.Nos.5628, 5632 and 5639 of 2020

1. South India Scheduled Tribes
Welfare Association,
[Regn.No.205/1972]
Represented by its Secretary,
Mrs.Chithra
Having Office at New No.579,
Old No.359, Anna Salai,
Saidapet, Chennai – 600 018.
2. Green Sakthi Elementary School,
[Thiruvallurvar Gurukalam]
Association of South India Scheduled
Tribes Welfare Association
[Regn.No.205/1972]
Represented by its Secretary,
Mrs.Sivasubramaniam
Old No.359, Anna Salai,
Saidapet, Chennai – 600 018.

...

Petitioners

Vs.

1. The District Collector,
Kancheepuram District.
Kancheepuram.



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WEB COPY

2. The Sub-Collector,
Kancheepuram District,
Kancheepuram.
3. The Child Protection Officer,
Mamalla Nagar, Kancheepuram District,
Kancheepuram.
4. The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.
5. The District Educational Officer,
Uthiramerur Taluk,
Kancheepuram District.
6. Regina Devaki
7. S.Ram Kumar ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the fourth respondent vide Na.Ka.No.2025/2019/A1 dated 18.09.2019 and quash the same and to give direction to renew D-Form License in favour of the first petitioner organization in order to have the benefit to the students who are studying at “Green Sakthi Elementary School – Thiruvalluvar Gurukalam”.

For Petitioners : M/s.P.Subba Reddy

For Respondents : Mr.LSM.Hasan Fizal, AGP for RR1 to 5
No Appearance for R6 and R7



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ORDER

The petitioner has filed this petition seeking to quash the proceedings of the fourth respondent vide Na.Ka.No.2025/2019/A1 dated 18.09.2019 and to consequently direct the fourth respondent to renew D-Form License in favour of the first petitioner organization.

2. The case of the petitioners is that the petitioners are in peaceful possession and enjoyment of the property to an extent of 37.92 Acres situated at Kaliyanpoondi Village, Uthiramerur Taluk, Kancheepuram District. One Subburathinammal who settled the said property in favour of the first petitioner's organization had cancelled the settlement deeds without issuing any notice to the petitioners and created a fraudulent general power of attorney dated 18.06.2008 in favour of the seventh respondent. Subsequently, the seventh respondent sold the said property in favour of his wife, who is the sixth respondent herein. Thereby, the fourth respondent in the year 2014, had cancelled the patta which was issued in favour of the first petitioner. Aggrieved by the cancellation of settlement deeds and sale deed, the first petitioner filed several suits in O.S.Nos.68, 69, 70 and 71 of 2015 and the respondents 6 and 7 have also filed a suit in O.S.No.81 of 2014 on the file of

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the District Munsif Court, Uthiramerur. Thereby, the petitioners made a representation dated 22.06.2019 before the fourth respondent seeking to issue a D-Form Licence in favour of the petitioners' organization, however, the same was rejected vide impugned order dated 18.09.2019 on the ground that the aforesaid civil suits are pending in respect of the said property. Challenging the same, the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, the issue involved in the present case pertains to disputed questions of facts and that the prayer sought for in this writ petition cannot be entertained under Article 226 of the Constitution as the civil suits are pending before the Court below, the learned counsel for the petitioners restricted his prayer and sought permission of this Court to make a fresh application before the fourth respondent after the disposal of the suits pending on the file of the District Munsif Court, Uthiramerur.

4. In view of the aforesaid stand taken by the learned counsel for the



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petitioners, this Court without expressing any opinion on the merits of the case, grants liberty to the petitioners to make a fresh application before the fourth respondent after the disposal of the suits pending on the file of the District Munsif Court, Uthiramerur.

5. With the above observation and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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RAP

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

M.DHANDAPANI,J.

RAP



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To:

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M.DHANDAPANI., J.

WEB COPY Ordered on payment of single court
fee.

30.09.2024

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RAP