



W.P. No.24071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.24071 of 2024
and
W.M.P. No.26324 of 2024

Bala Vihar Nursery
and Primary School
Melpattambakkam,
Panruti Taluk,
Cuddalore District
Rep. By Correspondent

... Petitioner
Vs

1. The Joint Director of Private Schools,
Directorate of Private Schools,
DPI Campus,
College Road,
Chennai – 600 006.

2. The District Educational Officer,
(Matriculation Schools) (Private Schools),
Government Higher Secondary School Campus,
First Floor,
Pennaiyaru Road,
Manjakkuppam,
Cuddalore – 607 001.



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3. The Secretary,
Bala Vihar Education Society
Regd. No.24/1972,
Gandhi Road, Panruti,
Panruti Taluk,
Cuddalore District.

4. Indra

5. Venkata Narasimha Reddiar

(Respondents 4 and 5 represented by
Power of Attorney agent 6th respondent
Mr.R. Raghupathi)

6. R. Raghupathi

7. Janardhana Reddiar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records and quash the proceedings of the 1st respondent in his Na.Ka.No.4882/E2/2024, dated 04.07.2024 and consequently restraining respondents from interfering with the functioning of Bala Vihar Nursery and Primary School in R.S. No.326/2 = Old S. No.196/53, New Door No.40, measuring 18270 sq. ft. in Melpattambakkam, Panruti Taluk, Cuddalore District.

For petitioner
For respondents

: Mr.D. Baskar
: Mrs.E. Ranganayagi
Addl. Govt. Pleader for R1 to R3



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ORDER

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Heard Mr.D. Baskar, learned counsel for the petitioner.

Mrs.E.Ranganayagi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to call for the records and quash the proceedings of the 1st respondent in his Na.Ka.No.4882/E2/2024, dated 04.07.2024 and consequently restraining respondents from interfering with the functioning of Bala Vihar Nursery and Primary School in R.S. No.326/2 = Old S. No.196/53, New Door No.40, measuring 18270 sq. ft. in Melpattambakkam, Panruti Taluk, Cuddalore District.

3. The short facts leading to filing of this writ petition are as follows
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Originally, the property(vacant site) in which, the petitioner school is running belonged to one Venkatanarayana Reddiar. After the demise of Venkatanarayana Reddiar, his legal heirs were brought on record, who are



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the respondents 4 and 5 herein. The 7th respondent is a relative of respondents 4 and 5 and the 3rd respondent is a registered society. While so, in the year 1992, the 3rd respondent took the vacant site on lease from respondents 4 and 5. The 7th respondent claiming to be the agent of respondents 4 and 5 leased out the site to the 3rd respondent to run a school. Pursuant to lease, the 3rd respondent constructed a thatched sheds and started a school in the name and style of “Bala Vihar Nursery and Primary School” and subsequently due to some difficulties, the 3rd respondent was unable to run the school and therefore, he approached the petitioner to manage the school. Ever since June 2011, the petitioner took over the management of the school and constructed permanent buildings in the said property. Later, rental agreement entered into between the petitioner and the 7th respondent, who is claiming to be the agent of the respondents 4 and 5 and the rental arrangement shall enure till 31.05.2025. Shockingly, the petitioner received a threat from the 6th respondent claiming that he is the power agent of respondents 4 and 5. It is the grievance of the petitioner that till date, the 7th respondent is receiving the rent and there is no intimation with regard to revocation of power agency by the 7th respondent and after



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some time, it is stated that there are two power of attorney agents i.e., respondents 6 and 7. Though petitioner is a lessee and respondents 4 to 6 cannot evict them through due process of law, the 6th respondent has played mischief by addressing the 2nd respondent seeking to prohibit the petitioner from running the school. Apart from the above threat, it is stated that petitioner's application seeking for approval is pending with the 2nd respondent. While so, based on the false allegations put against the petitioner-school by the respondents 4 to 6, the 1st respondent has passed the impugned Proceedings, dated 04.07.2024 and as the same was issued without any jurisdiction, the petitioner has approached this Court seeking for quashment of the said Proceedings.

4. Learned counsel for the petitioner submitted that the impugned proceedings passed by the 1st respondent is in violation of principles of natural justice. He further submitted that without ascertaining the fact that the lease entered into between the petitioner and the 7th respondent is being renewed periodically and enures upto 31.05.2025, the 1st respondent has passed the impugned proceedings, which is unsustainable and arbitrary.



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Also, he submitted that the renewal of registration application submitted by the petitioner-school is pending with the 2nd respondent and hence the petitioner cannot be penalised for the inaction of the respondents. On the aforesaid score, he prays for quashment of the impugned proceedings, dated 04.07.2024 passed by the 1st respondent and thus, the writ petition may be allowed.

5. Denying the submissions made by the learned counsel for the petitioner, Mrs.E.Ranganayagi, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that based on the complaint received from the respondents 4 to 6 and after oral enquiry, the Proceedings, dated 04.07.2024 was issued by the 1st respondent. She further submitted that the conditions stipulated viz., i) lease deed for a period of not less than fifteen years, ii) the land shall be owned or held in lease by the educational agency by a valid registered document etc. for the grant of certificate of recognition were not fulfilled by the petitioner-school and the defects are to be rectified. She also submitted that while passing final orders, the reply given by the petitioner would be considered in a proper perspective and therefore, the show cause notice, dated 04.07.2024, issued by the 1st



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respondent is a valid and legally sustainable one and it calls for no interference of this Court. In view of the above, she prays for dismissal of this writ petition.

6.Replying to the aforesaid submissions, on instructions, the learned counsel for the petitioner submitted that all the defects pointed out by the respondents were complied by the petitioner.

7.Admittedly, the Proceedings impugned herein is only a show cause notice and the same cannot be challenged. It is also stated that the petitioner has rectified the defects. When that be so, it is for the 1st respondent to take appropriate decision by considering the relevant materials and the explanation.

8. In view of the above, without interfering the Proceedings of the 1st respondent, dated 04.07.2024, this Court directs the petitioner to approach the 1st respondent with explanation along with necessary documents with regard to the fulfilment of the conditions imposed by the 1st respondent,



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within a period of two weeks from the date of receipt of a copy of this order.

On receipt of an explanation from the petitioner, the 1st respondent shall pass final orders on merits and in accordance with law, within a period of six weeks thereafter.

9.The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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To
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College Road,
Chennai – 600 006.

2. The District Educational Officer,
(Matriculation Schools) (Private Schools),
Government Higher Secondary School Campus,
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M.DHANDAPANI, J.

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3. The Secretary,
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