



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.35606 of 2023

Madras Institute of Hotel Management
& Catering Technology,
(run by Stree Annamalaiyar Educational Trust)
rep. by its Principal & Managing Trustee
P.Navamani
No.60, Poonamallee High Road,
Kumananchavadi, Kattupakkam
Chennai – 600 056.

... Petitioner

Vs

The Registrar
Alagappa University
Karaikudi – 630 003.

.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to renew the annual agreement between the respondent and the petitioner and to permit the petitioner institution to conduct the examinations, without insisting on the production of letter of consent from the landlord.

For Petitioner : Mrs.Hema Muralikrishnan
for Mr.Muralikrishnan

For Respondent : Ms.H.Mary Sowmi Rexi



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for Mr.T.Cibi Chakraborty

ORDER

The petitioner prays for a mandamus directing the respondent, who is the Registrar, Alagappa University, Karaikudi to renew the annual agreement between the respondent and the petitioner and to permit the petitioner institution to conduct the examinations without insisting on the production of letter of consent from the landlord.

2. The petitioner and the landlord, not arrayed as respondent in this Writ Petition, were engaged in litigation and the District Munsif Court, Poonamallee in RLTO No.24 of 2022 vide order dated 29.09.2023 had held adverse to the petitioner.

3. On 10.01.2024, the following order had been passed:

'Learned counsel for the petitioner will confirm as to whether the appeal filed before the Principal District and Sessions Judge, Tiruvallur (in the RLTOP which is at SR stage) has been numbered, whether there is any delay and whether the delay has been condoned.

2. That apart, it is incumbent upon them not only to regularize the appeal but also to obtain a stay of the order of the judgment of the District Munsif Court, Poonamallee in RLTO No.34 of 2022 dated 29.09.2023, to legitimize their possession and occupation of the property where the Hotel Management and Catering Technology is being run.

3. List on 22.01.2024 at the end of admission to receive clarifications as above from the petitioner.'



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4. Thus the petitioner was asked to confirm whether the appeal filed as against order dated 29.09.2023 has been numbered and as to whether any interim order that had been obtained. On 23.01.2024, learned counsel for the petitioner had sought one more opportunity to obtain appropriate interim orders as against order dated 29.09.2023.

5. Today, Mrs.Hema Muralikrishnan, learned counsel for the petitioner would submit that even the delay of 39 days in filing the appeal against order dated 29.09.2023 is yet to be condoned.

6. In these circumstances, there is nothing to be served by keeping this Writ Petition pending any further merely to enable the petitioner to pursue the matter before the Court. In fact, the petitioner ought to have shown some diligence in approaching the appellate authority, viz., Principal District and Sessions Judge, Tiruvallur, in time in order to contest order dated 29.09.2023, which has not clearly been done.

7. For the reasons aforesaid, the plea for mandamus is rejected and this Writ Petition and connected Miscellaneous Petition are dismissed. No costs.

05.02.2024

Index : Yes / No

Speaking order

Neutral citations:Yes



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Dr.ANITA SUMANTH,J.

SI

To

The Registrar
Alagappa University
Karaikudi – 630 003.

W.P.No.35606 of 2023
and WMP No.35541 of 2023

05.02.2024