



W.P.(MD) No.836 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.836 of 2024
and W.M.P.(MD)Nos.849 and 851 of 2024

1.The Adirampattinam Education Trust,
Adirampattinam,
Represented by its Secretary,
M.S.Tajudeen.

2.The Imam Shafi (RAH) Matric Higher Secondary School,
Adirampattinam,
Represented by its Correspondent,
M.S.Tajudeen.

... Petitioners

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.



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2.The Commissioner,
Adirampattinam Municipality,
Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records in notice in Na.Ka.No. 228/2023/F1 dated 02.01.2024 issued by the 2nd respondent and quash the same.

For Petitioners : Mr.K.V.Subramanian,
Senior Counsel for
Mr.Thirumahilmaran

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorari to call for records in notice in Na.Ka.No. 228/2023/F1 dated 02.01.2024 issued by the 2nd respondent and quash the same.



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2. We have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who accepts notice on behalf of the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioners that the 1st petitioner Trust was formed for the purpose of giving education to the girl children in the petitioners' locality. The petitioners have decided to start a school in their locality. For that, the petitioners approached the second respondent to lease out the property in question for running a school. Since the said land was not used for the original purposes, the 2nd respondent has granted the lease for the period of three years in the year 1975. Thereafter it was extended. After 31.05.2008, the 2nd respondent did not extend the lease period. Further, the 2nd respondent filed a suit in O.S.No.146 of 2010 on the file of District Munsif, Pattukottai. The said suit was decreed in favour of the 2nd respondent. As against the same, the petitioners have filed an appeal suit in A.S.No.9 of 2015 on the file of Subordinate Judge, Pattukottai and the same was also dismissed. Hence, the petitioners have filed a



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second appeal before this Court in S.A(MD)No.559 of 2019 and the same was also dismissed on 26.11.2019. While that being so, the 2nd respondent has issued the impugned notice. Challenging the said notice, the petitioner has filed this Writ Petition.

4. On a perusal of the records, it is seen that while S.A.(MD)No.559 of 2019 was dismissed by this Court, the petitioners have sought time for vacating the property in question and this Court, considering the fact that the school is being run in the said premises, granted time till second week of March 2010 to vacate and hand over the premises to the second respondent. Though the order was passed in the year 2019 and time was granted till March 2010, the petitioners have not complied the said undertaking given by them. In view of the said order, the petitioners have approached this Court by filing this Writ Petition. Therefore, this is nothing but a forum shopping by filing this Writ Petition, after unsuccessful in the said civil suit. Hence, we are not inclined to entertain this Writ Petition and consequently, the same is liable to be dismissed.



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5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

12.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm

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