



WEB COPY

W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) Nos.9905 of 2017 & 1184 of 2022
and**

W.M.P.(MD) Nos.7588, 17465 of 2017 & 1041 of 2022

W.P.(MD) No.9905 of 2017:

Ramadoss

... Petitioner

-VS-

- 1.The Government of Tamilnadu
rep.by its Secretary
Housing Department
St.George Fort, Chennai
- 2.The District Collector
Madurai District, Madurai
- 3.The Deputy Registrar (Housing)
Madurai Division
K.K.Nagar, Madurai-20
- 4.The Tahsildar
Thirupparankundram Taluk
Madurai



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

5.Madurai Mills Cooperative
Housing Society
through its Liquidator
Sathamangalam
Madurai-625 020

6.A-2581 Madurai Coats Public Servants
Co-operative Housing Society
rep.by its Secretary
No.168, Thirumalai Colony
P.P.Chavadi
Madurai-625 010

7.Madurai Coats Private Limited
rep.by through its
Group Industrial Relations Manager
New Mill, New Jail Road
Madurai-1

8.Paramasiva Naidu
Muthuvelraja
Educational Trust
through its Managing Trustee
Muthuvelraja
Block No.5, Mugappar East
Chennai

9.Bangaru Ammal Educational Trust
rep.by P.Markandadoss
29/E, 3rd Street, Thangam Colony
Anna Nagar West
Chennai-600 040

... Respondents



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate steps to recover the land situated in S.No.145/1B1A, 150 to 153, 361, 361, 364 to 368 in Harveypatti, Thirupparankundram, Madurai, an extent of 19.24 Acres from the respondents 7 to 9 for the welfare of the workers of Madura Costs Mills Madurai.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R5
Mr.R.Narayanan for R6
Mr.S.Ramesh for R7
Mr.P.H.Arvinth Pandian
Standing Counsel
for M/s.M.V.Associates for R8
Mr.H.Lakshmi Shankar for R9

W.P.(MD) No.1184 of 2022:

R.Mayandi

... Petitioner

-vs-

1.The Government of Tamil Nadu
rep.by its Principal Secretary
School Education Department
Fort St.George, Chennai-600 009



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

- 2.The Director of School Education
D.P.I.Campus
College Road, Nungambakkam
Chennai-600 006
- 3.The Chief Educational Officer
O/o.The Chief Educational Officer
Madurai District
- 4.The District Educational Officer
O/o.the District Educational Officer
Madurai
- 5.The Sub Registrar
Sub Registrar Office
Thiruparamkundram
Madurai District
- 6.Madurai Coats Private Limited
rep.by its Manager Legal &
Assistant Company Secretary
New Jail Road
Madurai District-625 001
- 7.Paramasiva Naidu Muthuvel Raj
Educational Trust
rep.by its Managing Trustee
P.Muthuvel
15th Main Road
Annanagar West
Chennai-40
- 8.Bangaru Ammal Educational Trust
rep.by its Chairman
P.Markkannathas
S/o.S.Paramasiva Naidu
29/E, 3rd Street, Thangam Colony
Annanagar West, Chennai-40

... Respondents



WEB COPY

W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to restore the school lands in S.No.145/1B1A, 144/2A1, 150, 151, 152, 153, 153/1, 153/2, 361/1, 364, 365, 365/1, 365/5, 366, 366/1, 368 at Thiruparamkundram Village, Madurai South, Madurai District sold illegally in favour of the respondents 7 and 8 in violation of the Section 31 of the Tamil Nadu Recognized Private Schools Regulation Act, 1973.

For Petitioner : Mr.S.Rajasekar
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R5
Mr.S.Ramesh for R6
Mr.C.Deepak for R7
Mr.H.Lakshmi Shankar for R8

COMMON ORDER

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

Prayer in W.P.(MD) No.9905 of 2017 is to direct the respondents 1 to 3 to take appropriate steps to recover the lands comprised in Survey Nos. 145/1B1A, 150 to 153, 361, 361, 364 to 368 of Harveypatti,



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

Thirupparankundram, Madurai, measuring an extent of 19.24 Acres from respondents 7 to 9 for the welfare of the workers of Madura Coats Mills, Madurai.

2. Whereas, prayer in W.P.(MD) No.1185 of 2022 is to direct the respondents 1 to 4 to restore the school lands comprised in Survey Nos. 145/1B1A, 144/2A1, 150, 151, 152, 153, 153/1, 153/2, 361/1, 364, 365, 365/1, 365/5, 366, 366/1 and 368 of Thiruparamkundram Village, Madurai South, Madurai District, which have been sold illegally in favour of the respondents 7 and 8 in violation of Section 31 of the Tamil Nadu Recognized Private Schools Regulation Act, 1973.

3. The brief facts in W.P.(MD) No.9905 of 2017:

According to the petitioner, the Madura Mills Company Limited, with the unique motive of providing its employers housing accommodations, formed a Housing Society in the name and style of The Madura Mills Cooperative Housing Society and the said Society was registered under Section 10 of the Madras Cooperative Societies Act VI of 1983 on 26.08.1939. After formation of the Housing Society, the respondent – Housing Department



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

allotted lands comprised in Survey Nos.150, 151, 152, 153, 364, 365, 366 and 368 of Harveypatti, Thirupparankunram Taluk, Madurai, measuring a total extent of 91.78 Acres. Thereafter, the Madurai Housing Society converted the said land into housing plots.

4. Further, according to the petitioner, in the year 1975, the Madura Housing Society was liquidated and the Sub-Registrar of Cooperative Societies was appointed as a Liquidator to look after the affairs and management of the said Society. At the time of liquidation, out of 91.78 Acres of land purchased for providing house sites to the employees, 19.24 Acres of land was kept unallotted to any worker. The Liquidator took possession of the entire land, including the unallotted land of 19.24 Acres.

5. Further, according to the petitioner, the respondent – Madura Coats Private Limited agreed to purchase the unallotted land of 19.24 Acres for a sum of Rs.17,910/- for the benefit of the Mill workers and to continue the welfare programme already provided by the Housing Society. The said amount was paid by the respondent – Madura Coats Private Limited on 10.06.1980. However, subsequently, the respondent – Madura Coats Private



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

Limited had not taken any steps to purchase the said land till 1997. In such circumstances, the based on the order dated 25.06.1997, passed by the Registrar of Co-operative Society, the Madura Housing Society was amalgamated with the respondent Madurai Coats Public Servants Cooperative Housing Society and it was empowered to sell the unallotted land of 19.24 Acres independently to the Mill workers.

6. Further, according to the petitioner, after a period of 17 years, the Madura Coats Private Limited filed a suit before the District Munsif, Thirumangalam, in O.S.No.386 of 1997, for specific performance and to deliver possession in respect of the unallotted land of 19.24 Acres. By Judgment and Decree dated 20.10.2004, the said suit was partly decreed in respect of the relief of specific performance and dismissed in respect of the relief of recovery of possession. Challenging the same, the Madura Coats Private Limited filed A.S.No.1 of 2005, before the Principal Sub Court, Madurai and the Madura Coats Public Servants Cooperative Housing Society filed A.S.No.157 of 2005, before the I Additional Sub Court, Madurai. By Judgment and Decree, dated 27.06.2006, A.S.No.1 of 2005 was allowed and by Judgment and Decree dated 10.04.2006, A.S.No.157 of 2005 was dismissed.



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

Thus, the Madurai Coats Private Limited has got a decree in respect of the reliefs sought of the in the suit over the suit schedule property.

7. Further, according to the petitioner, when the second appeal in S.A.No.932 of 2006, preferred by the Madura Coats Public Servants Cooperative Housing Society was pending before this Court challenging the Judgment and Decree passed in A.S.No.157 of 2005, the Madura Coats Private Limited filed E.P.No.24 of 2005, before the District Munsif, Thirumangalam, and as per the order of the Executing Court, a sale deed was executed in respect of the 19.24 Acres of land in favour of the Madura Coats Private Limited and it was registered on 04.05.2007 as document No.1384 of 2007. Subsequently, defeating the very purpose of acquiring the lands i.e. providing house sites to the Mill employees, the Madura Coats sold the said land to private parties, namely, P.M.R.Educational Trust and Bangaru Ammal Educational Trust on 04.07.2007 and 20.07.2007.

8. According to the petitioner in W.P.(MD) No.1184 of 2022, the Madura Coats Private Limited, without following the due process of law under the Tamil Nadu Recognized Private Schools Regulation Act, 1973 and without



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

obtaining prior permission from the authority concerned, has sold the lands, wherein Harveypatti Elementary School and Middle Schools were constructed and a playground was formed, to the private parties, namely, Paramasiva Naidu Muthuvel Raj Educational Trust and Bangaru Ammal Educational Trust.

9. The Deputy Registrar (Housing), Madurai Region, Madurai, has filed a counter affidavit in W.P.(MD) No.9905 of 2017, wherein he has stated as follows:

“13)I submit that the averments in para 16 of the affidavit is denied as follows. It is true that there is a different claim over the property situate in S.No.150 to 153 and 364 to 368 an extent of 19.24 acres. In this regard there is various proceedings in civil court, revenue authority and in other proceedings. In the above proceedings there is favourable order in favour of Madura Coats Limited. Hence, the averments in para 16 also to be proved by the petitioner.

14. ...

15.It is further submitted that the Madurai Coats Public Servant Co-operative Housing Society Limited had filed S.A.No.932 of 2007 against the order in A.S.No.157 of 2005. Likewise the same society has



WEB COPY

W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

filed S.A.(MD) No.647 of 2014 in A.S.No.1 of 2005. Like wise the said liquidator has filed C.R.P.(MD) No.1298 of 2007 under Article 227 of the Constitution to set aside the order dated 27.04.2004 passed by the Learned District Muncif, Thirumangalam in E.P.No.24 of 2005 in O.S.No.386 of 1997. The above Second Appeals and Civil Revision Petition filed by the said society and the Liquidator have been dismissed on 16.10.2015. Against the same there is no further proceedings. Hence the above court proceedings are in favour of Madura Coats Limited. In such a situation the official respondents are not entitled to proceed further.

16. ...

17. ...

18.It is humbly submitted that this Writ petition is filed for Recover the land which was already subject matter of the Civil Dispute thereby the Respondent is ready to cooperate maintain the Justice available to the ultimate beneficiaries, that is to mill workers. Hence, I am ready to obey the order of the Honourable Court.

10. The District Educational Officer, Madurai, has filed a counter affidavit in W.P.(MD) No.1184 of 2022, wherein in Paragraph Nos.6 to 8, he



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

has stated as follows:

“6.It is submitted that thereafter, due some conflicts, the school did not function properly, the strength of the school diminished onwards and there was no hope to continue the school. The Chief Educational Officer issued notice to the school on 08-12-2020 vide Na.Ka.No.8557/A5/2020 in view of the fact that the strength of the school came down to 13 in standards VI to VIII and 4 in standards IV and X. Instructions were given to the school authorities to admit the students in other schools by order dated 16.02.2021 to avoid the unnecessary expenditure of Rs. 50,00,000/- on the strength of students of only 17 on including all standards from VI to X. The school was brought to direct control under direct payment by the District Educational Officer by order dated 31-03-2021 vide Na.Ka.No.5054/Aa4/2020. The teachers working in the school were deployed to other schools, there is no student and no teacher in the school and now the school is not functioning from the school year 2021-22. And as such, the Department ordered to close the school. All the students got admitted in the nearby schools and the teachers working were deployed to other schools in the year. From 2020-21 onwards no school is functioning the said lands said to have been owned by the Madurai Coats Private Limited.



WEB COPY

W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

7.It is submitted that in as much as the school ceased to function, action is being taken to withdraw the recognition granted to the school, for the issue of formal orders withdrawing the recognition granted to the school. In these circumstances, the department has no connection with the school or its buildings. It is also pertinent to submit that in as much as the school ceased to be under the control of the department, there is no need to obtain any prior permission for alienation of school properties as per section 31 of the act the Tamil Nadu Private Schools Regulation Act, 1973. However the Secretary of the School Committee has also stated that the existing school building is not disturbed due to the interim orders of this Hon'ble Court dated 25-01-2022 the school building is not disturbed during the pending of the litigation by letter dated 18-05-2023.

8.It is submitted that due to the recent developments in the episode, there is no need for the department to interfere in as much no school is functioning and the department will issue formal orders closing the school and withdrawing the recognition of the school. The petitioner cannot file any Public Interest Litigation in these circumstances as nothing survives in the existence of the school as on now. There is no need to maintain this Writ petition and is liable to dismissed



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

as misconceived and devoid of merits.”

11. Learned Special Government Pleader appearing for the official respondents, on instructions, would submit that the Educational Authority by following the due process of law, will take further action for transfer of the above lands.

12. Heard the learned counsel for the parties and carefully perused the materials available on record.

13. On a careful perusal of the materials available record, it is seen that these writ petitions are filed under the category of “Public Interest Litigation”. The issue involved in the case on hand is with regard to recover the lands alleged to have been sold to the private parties, which are acquired for the purpose of providing house sites to the Madurai Coats employees. The petitioners have averred several things in their affidavits in support of their contentions. However, they have not placed any material to show that they have filed this public interest litigation as per the parameters laid down by the Honourable Supreme Court in the case of ***Guruvayoor Devaswom Managing***



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

Committee vs. C.K.Rajan, reported in **(2003) 7 SCC 546** and the subsequent decisions of the Honourable Supreme Court in the case of **Ashok Kumar Pandey vs. State of West Bengal and others**, reported in **(2004) 3 SCC 349**, **Neetu vs. State of Punjab**, reported in **(2007) 1 SCC 614** and **State of M.P. vs. Narmada Bachao Andolan**, reported in **(2011) 7 SCC 639**. In such circumstances, we are not inclined to entertain the present writ petitions, except recording the above statements of the Deputy Register (Housing) Madurai Region, Madurai and the District Educational Officer, Madurai District, in their respective counter affidavits and the above submission of the learned Special Government Pleader appearing for the official respondents.

14. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[K.K.R.K., J.]

18.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

To:

- 1.The Secretary,
Housing Department,
Government of Tamilnadu,
St.George Fort, Chennai.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Deputy Registrar (Housing),
Madurai Division,
K.K.Nagar, Madurai-20.
- 4.The Tahsildar,
Thirupparankundram Taluk,
Madurai.
- 5.The Liquidator,
Madurai Mills Cooperative
Housing Society,
Sathamangalam,
Madurai-625 020.
- 6.The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 7.The Director of School Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.
- 8.The Chief Educational Officer,
O/o.The Chief Educational Officer,



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

WEB COPY

Madurai District.

9.The District Educational Officer,
O/o.the District Educational Officer,
Madurai.

10.The Sub Registrar,
Sub Registrar Office,
Thiruparamkundram,
Madurai District.



WEB COPY



W.P.(MD) Nos.9905 of 2017 & 1184 of 2022

D.KRISHNAKUMAR, J.
and
K.K.RAMAKRISHNAN, J.

krk

W.P.(MD) Nos.9905 of 2017 & 1184 of
2022
and
W.M.P.(MD) Nos.7588, 17465 of 2017 &
1041 of 2022

18.01.2024