



W.P.No. 14288 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 03.09.2025

CORAM

**THE HONOURABLE MRS JUSTICE R.KALAIMATHI**

W.P.No. 14288 of 2020

and

WMP.Nos.17761 and 17766 of 2020

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VOC Primary School  
Represented by its Secretary,  
S.P.Ambedkar Sekar  
Old No.89, New No.84,  
Kothavalchavadi Street  
Saidapet, Chennai-600 015.

...Petitioner

Versus

1.The Director of Elementary Education  
Elementary School Education  
DPI Campus, College Road  
Chennai-600 006.

2.The Chief Educational Officer  
Presidency Girls Higher Secondary School Campus  
Egmore, Chennai- 600 008.

3.The District Educational Officer  
Chennai Central Model School Campus  
Saidapet, Chennai-600 015.



W.P.No. 14288 of 2020

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4.The Area Educational Officer  
Adyar Range, Bazaar Road  
Saidapet, Chennai-600 015.

5.N.Vijayarangan  
[R5-Impleaded as per order dated 09.11.2025  
in WMP.No.22062 of 2020 in W.P.No.14288 of 2020]

...Respondents

**Prayer :** Writ Petition is filed under Article 226 of the Constitution of India, praying a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3<sup>rd</sup> respondent in Na.Ka.No. 1901/Aa4/2020, dated 11.09.2020 and forwarded by the 4<sup>th</sup> respondent in her proceedings in Na.Ka.No.143/2018 dated 15.09.2020 to quash the same and consequently permit the petitioner to run the V.O.C. Primary School.

|                |   |                                                   |
|----------------|---|---------------------------------------------------|
| For Petitioner | : | Mr.Ravichandran Sundaresan                        |
| For RR1 to 4   | : | Mr.P. Gurunathan<br>Additional Government Pleader |
| For R5         | : | Mr.K.Chanrasekaran                                |

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W.P.No. 14288 of 2020

## **ORDER**

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This Writ Petition is filed seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3<sup>rd</sup> respondent in Na.Ka.No.1901/Aa4/2020, dated 11.09.2020 and further proceedings of the 4<sup>th</sup> respondent in Na.Ka.No.143/2018 dated 15.09.2020 and to quash the same and consequently directing the respondents, permit the petitioner to run VOC Primary School, situated at New No.84, Kothaval Chavadi Street, Saidapet, Chennai-600 015.

2. According to the petitioner, he is the Secretary of petitioner's school. The said school was established in the year 1953 with temporary recognition No.32-D/56, dated 11.12.1956. Thereafter, it was granted permanent recognition No. 189C/62, dated 27.10.1962 by the Government of Tamil Nadu. The petitioner's school is an Aided Primary School.

2.1 The petitioner's school had been functioning in a leasehold property as prescribed under Section 4 of the Tamil Nadu Buildings Licencing Act, on 25.03.2019, the petitioner's school applied for builing

Page Nos.3/10



W.P.No. 14288 of 2020

licence to the District Collector, Chennai District, by paying necessary

fees. As his application stated supra was not considered by the Authority concerned, the Writ Petition No.33200 of 2019 was moved before this Court seeking direction to consider and pass orders on his application for building licence and this Court, ordered as prayed for, by an order dated 23.09.2020.

**2.2** Meanwhile, one V. Padmavathy filed a suit in O.S.No. 2017 of 2002 before the learned XVI Assistant Judge, City Civil Court, Chennai, against one P.R.Anuradha, the then Correspondent of the petitioner's school for the relief of permanent injunction restraining her from putting up any kind of pucca construction in the school property and for mandatory injunction to remove the unlawful construction alleged to have been put up by the Correspondent. The suit was dismissed on 30.08.2004 and as against the said judgment and decree, an appeal in A.S.No.320 of 2005 before the Fast Track Court No.III, City Civil Court, Chennai, was filed and the same was allowed.



W.P.No. 14288 of 2020

**2.3** E.P.No. 2190 of 2010 was filed by the husband of the aforesaid V.Padmavathy, Tvl.Vijayarangan. The Decree Holder filed an E.A.No. 4941 of 2012 under Order XXI, Rule 97 of CPC., for removal of obstruction, which was allowed by an Order dated 21.03.2013 and as against the said order, the petitioner preferred an appeal in A.S.No. 144 of 2013 and it was dismissed by judgment and decree dated 10.09.2013. Against which, the petitioner had preferred the Second Appeal in S.A.No. 254 of 2014 and the same is pending before this Court.

**2.4** Meanwhile, the petitioner filed a comprehensive suit for the relief of declaration to declare that the petitioner's school is lawful tenant and for consequential injunction in O.S.No. 3199 of 2005 on the file of XVIII Additional Judge, City Civil Court, Chennai, against V.Padmavathy and 4 others. The suit was dismissed by a judgment and decree dated 06.09.2014 and on an appeal in A.S.No. 409 of 2014 on the file of XVII Additional Judge, City Civil Court, Chennai. It was allowed on 22.12.2015 declaring that the petitioner's school is a lawful tenant. Aggrieved by the said judgment and decree, the owner, namely, Vijayarangan filed the Second Appeal in S.A.No.519 of 2016 before this Court and it is pending.



W.P.No. 14288 of 2020

**2.5** The said Vijayarangan filed a writ petition in W.P.No. 22262

of 2018 before this Court to take action against the petitioner's school on the ground that the petitioner's school is running with infracture deficiencies. This Court by an Order dated 22.01.2019 gave a direction to the Authority concerned to consider and pass orders on the representation made by the said Vijayarangan [as per requisition dated 27.08.2018] on merits.

**2.6** Without conducting proper enquiry, the District Educational Officer directed the Director of Elementary School Education, to close down the school. He preferred Writ Appeal and it is yet to be numbered. In the meanwhile, the said Vijayarangan moved another writ petition in W.P.No.2779 of 2020 seeking direction to close down the school. Consequently, by the impugned proceedings in Na.Ka.No.1901/A4/2020, dated 11.09.2020, the 3<sup>rd</sup> respondent directed the 4<sup>th</sup> respondent to shift and accommodate the students in nearby school and transferred the teachers working in the school.



W.P.No. 14288 of 2020

**2.7** In furtherance thereof, the 4<sup>th</sup> respondent directed the petitioner to accommodate the students in the nearby school, directed the petitioner to handover the articles and school records. As per the proceedings in Na.Ka.No.143/2018, dated 15.09.2020, the order passed by this Court in WMP.No. 26085 of 2018, dated 22.01.2019 in W.P.No. 22262 of 2018.

**2.8** The grievance of the petitioner is that he was not given any opportunity of personal hearing and the orders were passed in violation of principles of natural justice. It is relevant to note that the orders were passed by this Court on 22.01.2019 and the said order has reached finality. In fact, no order was passed by the respondents. The directions given in the aforesaid writ petition have been carried out by the Authorities and in such circumstances, the petitioner's contention to the effect that in violation of principles of natural justice the orders have been passed is not tennable. Before this Court, the owner of the building, in which, the school was functioning, moved a writ petition and after hearing the petitioner's school orders have been passed for closure of the school. In fact, the rights of the parties were already determined by this Court after affording an opportunity to the writ petitioner which culminated into an order. In order to enforce the said order of this Court the impugned

Page Nos.7/10



W.P.No. 14288 of 2020

proceedings have been passed.

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**2.9** It is relevant to note that the petitioner's school entered into a lease in the year 1966 for 5 years and thereafter, further lease deed was not executed. The petitioner did not enter into fresh lease agreement with the owner of the land. After filing of the aforesaid suits and writ petition one after another before this Court, the impugned orders were passed in the year 2020. In such view of the matter, this Court is of the considered view that the proceedings do not suffer from any infirmity or perversity.

**2.10** Based on the aforesaid stated observations and discussions, the Writ Petition stands dismissed. There is no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

**03.09.2025**

MSM

Speaking order : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

Page Nos.8/10



W.P.No. 14288 of 2020

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**R.KALAIMATHI, J.,**

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