



W.P.No.35558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35558 of 2025 and
WMP.Nos.39795 & 39798 of 2025

Bharathi Vidhyalaya Educational Trust
Rep. By its Managing Trustee
N.Venkidusamy

... Petitioner

Vs.

1.The Director of School Education,
DPI, College Road, Chennai
2.The District Education Officer,
Erode District
3.The Inspector of Police,
Gobichettipalayam,
Erode District
4.T.Madhivanan
5.A.Ramachanthiran
6.Sampath
7.P.R.Velumani
8.Amutham

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records in proceedings



W.P.No.35558 of 2025

of the second respondent in Na.Ka.No.014/A3/2025 dated 14.08.2025
and quash the same.

For Petitioner : Mr.Eswar

For Respondents

For R1 & 2 : Mr.S.Prabhakaran,
Government Advocate

For R3 : Mr.Kishore Kumar,
Government Advocate(crl.side)

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 14.08.2025 thereby directed the petitioner to refund the non refundable deposits which were collected from respondents 4 to 6 at the time of their wards' admission to the petitioner's school.

2. Respondents 7 and 8 originally formed the petitioner trust by the proceedings dated 27.09.2004. They had been running the trust from the year 2014 and in the year 2019, the petitioner trust had started matriculation school in the name of Bharathi Vidhyalaya Matriculation



W.P.No.35558 of 2025

Higher Secondary School. Thereafter, one, N.Venkidasamy and one, Sivaraj were made trustees by the registered codicil dated 01.07.2022. On 22.07.2022, respondents 7 & 8 resigned from the trust by the registered codicil dated 22.07.2022. Thereafter, new trustees found that the petitioner trust is under severe financial distress due to mismanagement and ill administration of respondents 7 & 8 herein. That apart, respondents 7 & 8 availed loan around Rs.50 crores from several banks in the name of the trust and trust purchased properties for their personal need. They also obtained private loans. Therefore, the creditors have filed nearly 48 suits against respondents 7 & 8 for recovery of money. Some of them also initiated SARFAESI proceedings against them. In the meanwhile, respondents 4 to 6 made deposit while admitting their respective wards in the petitioner's school to the tune of Rs.5,00,000/- as refundable deposit. Thereafter, they had withdrawn their wards from the petitioner's school by obtaining transfer certificate and admitted into some other school. Thereafter, respondents 4 to 6 made request for return of refundable deposit by way of representations. However, there was no response and as such, they approached this Court in WP.no.29557 of 2024 and this Court by order dated 14.10.2024, directed the second



W.P.No.35558 of 2025

respondent to consider the representations and pass appropriate orders after providing opportunity of hearing to the petitioner and respondents 4 to 6 within a period of four weeks. As directed by this Court, now the second respondent has passed order thereby directed the petitioner to settle the refundable deposits which were already made, to respondents 4 to 6 within a period of seven days.

3. The learned counsel for the petitioner would submit that similarly placed creditors already filed suit and suit would be appropriate for recovery of money. Therefore, the second respondent has absolutely no jurisdiction to pass such order to refund the fees, that too collected by respondents 7 & 8 herein. There are so many creditors and they had filed suit against respondents 7 & 8 for recovery of money.

4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

5. On perusal of records, it is revealed that admittedly



W.P.No.35558 of 2025

respondents 7 & 8 were the trustees of the petitioner trust and they administrated the trust. At the same time, respondents 4 to 6 admitted their respective wards. They had deposited money as refundable one. After withdrawing their wards from the petitioner's school, they asked for return of refundable deposits which were already made by them. Though respondents 7 & 8 resigned from the petitioner trust, other trustees have now been inducted as trustees and they are administrating the trust. The school is also run by the petitioner trust. Therefore, the petitioner is liable to refund the fees which were already collected as refundable deposit. Only on the direction issued by this Court, the second respondent conducted enquiry and directed the petitioner to refund the deposit amounts to respondents 4 to 6 herein. Therefore, the grounds raised by the petitioner cannot be countenanced. As such, this writ petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.



W.P.No.35558 of 2025

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22.09.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
1.The Director of School Education,
DPI, College Road, Chennai

6/8



W.P.No.35558 of 2025

- 2.The District Education Officer,
Erode District
- 3.The Inspector of Police,
Gobichettipalayam,
Erode District
- 4.The Government Advocate,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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W.P.No.35558 of 2025

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