



W.P.No.4861 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.4861 of 2025
and WMP.Nos.5387 & 5888 of 2025

Bala Vihar Nursery and Primary School
Melpattambakkam
Panruti Taluk, Cuddalore District
by Correspondent
Arokiadoss.
No.28, Kamaraj Nagar
Police Line I Street, Panruti
Panruti Taluk, Cuddalore District.

...Petitioner

Vs.

1. The Joint Director of Private Schools,
Directorate of Private Schools,
DPI Campus, College Road,
Chennai 600 006.
2. The District Educational Officer,
(Matriculation Schools) (Private Schools)
Government Higher Secondary
School Campus,
First floor, Pennaiyaru road,
Manjakkuppam,
Cuddalore 607 001.
3. The Secretary
Bala Vihar Education Society
Regd No.24/1972



W.P.No.4861 of 2025

Gandhi Road, Panruti,
Panruti Taluk, Cuddalore District.

4. Indra
5. Venkata Narasimha Reddiar
6. R.Raghupathi
7. Janardhana Reddiar

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of certiorarified mandamus to call for the records and quash the proceedings of the 1st respondent in his Na.Ka.No.4882/E2/2024 dated 17.10.2024 and consequently restraining the respondents from interfering with the functioning of Bala Vihar Nursery and Primary School in R.S.No.326/2 = Old S.No.196/53 new Door No.40 measuring 18270 sq.ft in Melpattambakkam, Panruti Taluk, Cuddalore district.

For Petitioner : Mr.D.Baskar

For Respondents : Mrs.Akila Rajendran
Government Advocate for R1 & R2
Mr.K.Sathish for R4 to R6
No appearance for R3 & R7

ORDER

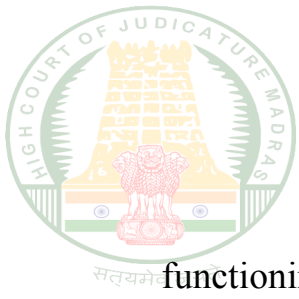
This writ petition is filed for a Writ of certiorarified mandamus to call for the records and quash the proceedings of the 1st respondent in Na.Ka.No.4882/E2/2024 dated 17.10.2024, and consequently restraining the respondents from interfering with the functioning of Bala Vihar Nursery and Primary School in R.S.No.326/2 = Old S.No.196/53 new Door No.40 measuring 18270 sq.ft in Melpattambakkam, Panruti Taluk, Cuddalore district.



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2. The petitioner school is a Nursery and Primary School represented by its Correspondent Mr.Arokiadoss. The school was originally run by the 3rd respondent society and as the society was not able to run the school properly, it approached the petitioner to manage the school. Thereafter the petitioner took over the Management of the school. The Petitioner and the 7th respondent entered into a long term rental agreement and the petitioner invested huge amounts for construction of permanent building for the school. While so, the 6th respondent claiming to be the power of attorney agent of the respondents 4 and 5, tried to disturb the petitioner's possession. The petitioner stated that it is a lessee in possession and therefore it cannot be evicted except by due process of law.

3. The petitioner stated that the respondents 4 to 6 did not inform it about the power deed and further there was no intimation from the 7th respondent about the revocation of the power in his favour. The petitioner states that without even informing about the revocation, if any, the 7th respondent continued to receive the rent. The 4th and 6th respondents played mischief by approaching the 2nd respondent and the Superintendent of Police to stop the

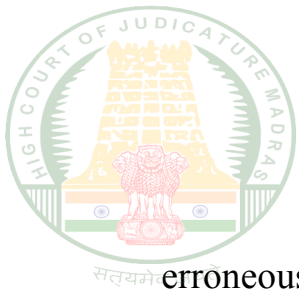


W.P.No.4861 of 2025

WEB COPY

functioning of the school. The petitioner therefore filed inter-pleader suit in O.S.No.111 of 2024, on the file of the Principal District Court, Cuddalore. The suit was transferred to the Additional District Court, Cuddalore and the same is pending. The petitioner stated that the lease is valid till 31.05.2025, and therefore the respondents 4 and 5 could not evict the petitioner except by due process of law.

4. According to the petitioner, the school is being run from 1992 with approval and periodical renewal of approval. The petitioner's application for renewal of recognition for 5 schools was granted. However, the approval for petitioner school alone was kept pending by the 2nd respondent. The petitioner stated that the 1st and 2nd respondents played into the hands of the respondents 4 to 6, especially the 6th respondent, by sending notice dated 04.07.2024. The petitioner filed a writ petition in W.P.No.24071 of 2024, challenging the above notice. On 30.09.2024, this Court passed an order directing the petitioner to submit his explanation within two weeks to the respondents 1 and 2 with further directions to the respondents 1 and 2 to pass orders on the said representation within 6 weeks thereafter. On 12.10.2024, the petitioner submitted his representation to the respondents 1 and 2. The 1st respondent



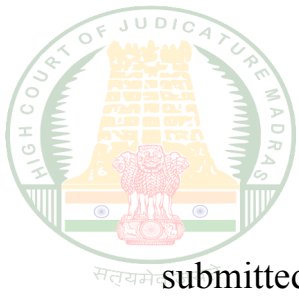
W.P.No.4861 of 2025

WEB COPY

erroneously passed the impugned order on 17.04.2024. Aggrieved by the impugned order the petitioner filed the writ petition for the aforesaid relief.

5. The 2nd respondent filed counter on behalf of the 1st respondent also. The 2nd respondent stated that the school was functioning without a No Objection Certificate from the Fire Department and building license from the Tahsildar. According to the 2nd respondent, the ownership of the land of the school was not in the name of the school or in the name of the Educational Agency and further, there was no proper building plan approval for the building. The 2nd respondent stated that there was gross violation of Tamil Nadu Private Schools (Regulation) Rules, 2023 and for such violations the impugned order was passed by the 2nd respondent. The 2nd respondent hence prayed for the dismissal of the writ petition.

6. The 6th respondent filed counter stating *interalia*, that the lease cum rental agreement entered into by the petitioner with the 7th respondent was invalid and illegal. The 6th respondent stated that the petitioner failed to produce any registered lease deed or legally valid title document in respect of the land where the school was situate and functioning. The 6th respondent



W.P.No.4861 of 2025

WEB COPY

submitted that in the absence of the aforesaid documents, the petitioner school became ineligible for grant of recognition by the 1st and 2nd respondent. The 6th respondent further stated that as the school was functioning without renewal of recognition from 01.06.2022, in violation of the Tamil Nadu Private Schools (Regulation) Rules, 2023, the impugned order dated 17.10.2024, passed by the 1st respondent could not be faulted. The 6th respondent therefore stated that there were no merits in the writ petition and it deserved to be dismissed.

7. Heard both sides and perused the materials available on record.

8. The 6th respondent is the power of attorney agent of respondents 4 and 5. The 6th respondent wrote a letter to the 2nd respondent on 30.01.2024, complaining of certain violations by the petitioner school. The 2nd respondent referred the matter to the 1st respondent. The 1st respondent issued a show cause notice on 04.07.2024, to the petitioner school which was challenged in W.P.No.24071 of 2024. This Court disposed of the writ petition on 13.09.2024, with the following directions:-

8. In view of the above, without interfering the proceedings of the 1st respondent, dated 04.07.2024, this Court directs the petitioner to approach the 1st respondent with explanation along



W.P.No.4861 of 2025

WEB COPY

with necessary documents with regard to the fulfilment of the conditions imposed by the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of an explanation from the petitioner, the 1st respondent shall pass final orders on merits and in accordance with law, within a period of six weeks thereafter.

9. Pursuant to the order passed by this Court, the petitioner submitted a detailed explanation on 12.10.2024, to the 1st and 2nd respondents. Thereafter the 1st respondent passed the impugned order on 17.10.2024, but the same was not communicated to the petitioner for more than 7 weeks. Upon reading of the impugned order, it is seen that the 1st respondent did not even refer to the writ proceedings and the explanation submitted by the petitioner in pursuance of the orders. This Court directed the petitioner to submit an explanation with further direction to the 1st respondent to consider and pass final orders on merits and in accordance with law. I find from the impugned order that there is absolutely no reference to the explanation submitted by the petitioner. When this court in the order dated 13.09.2024, specifically directed the respondents to consider the petitioner's explanation and pass orders on merits, the failure to even refer to the explanation amounts to gross violation of the said order. The respondent was required by this court's order, to specifically consider the petitioner's



W.P.No.4861 of 2025

WEB COPY

explanation and was bound to assign clear and cogent reasons for accepting or rejecting it. Since this was not done, the impugned order cannot be legally sustained.

10. In view of the above discussions, the impugned order is set aside and the matter is remanded to the 1st respondent for fresh consideration. The 1st respondent is directed to consider the explanation of the petitioner dated 12.10.2024, and pass fresh final orders on merits and in accordance with law, within a period of four weeks thereafter.

11. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

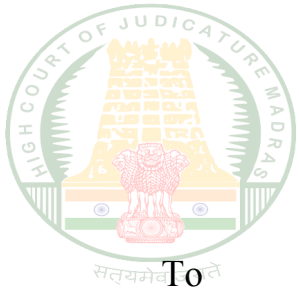
16.04.2025

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Index : Yes /No

Speaking Order : Yes/No

Neutral Citation : Yes/No



W.P.No.4861 of 2025

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WEB COPY

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WEB COPY



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