



W.P.(MD) No.17763 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2023

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.17763 of 2023

and

WMP(MD) No.22447 of 2023

P.L.Manicka Chettiar

... Petitioner

Vs

1. The Director of School Education(Elementary),
College Road,
Chennai.

2. The Chief Education Officer,
Sivagangai.

3. The District Education Officer,
Elementary Education,
Sivagangai

4. The Block Education Officer,
Sakkotai,
Karaikudi, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to comply with an order passed by the second respondent in Na.Ka.No. 10434/A6/2022 signed by him on 19.12.2022 by vacating Saraswathi



W.P.(MD) No.17763 of 2023

Elementary School from the petitioner's property situated in Survey No. 323, Ward-5, Block-8, Perumal Chettiar Street, Karaikudi, Sivagangai District as expeditiously as possible within the time stipulated by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The prayer in the Writ Petition is to direct the fourth respondent to comply with the order passed by the second respondent in Na.Ka.No.10434/A6/2022, dated 19.12.2022, by vacating Saraswathi Elementary School from the petitioner's property situated in Survey No. 323, Ward-5, Block-8, Perumal Chettiar Street, Karaikudi, Sivagangai District.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property and he has leased out the property to run the school. Since the building is in dilapidated condition and only 40 students were studying, by virtue of an order dated



W.P.(MD) No.17763 of 2023

19.12.2022, an order was passed by the second respondent to vacate the school and accommodate the students in some other school. However, the said order has not been complied with. Hence, the present petition.

3. The learned counsel appearing for the official respondents would submit that now all the buildings are renovated and necessary orders were obtained by the school authorities and they have also no objection for running the school, thereby appropriate orders may be passed.

4. In such circumstances, the learned counsel for the petitioner would submit that the petitioner is the owner of the property and he wants back the property from the school.

5. Considering the submissions made by the learned counsel appearing for the petitioner and the official respondents and on the complaint made by the petitioner that since the petitioner has leased out the property to run the school and the school is functioning till date which is in dilapidated condition, without obtaining proper permission. Under these circumstances, the second respondent has passed the order on 19.12.2022, to vacate the premises. However, the learned counsel appearing for the official respondents would submit that when they have



W.P.(MD) No.17763 of 2023

passed the order, the building was in dilapidated condition and the school authorities have not obtained any permission. Now, after filing the counter, the school obtained all the permission and the building also renovated. Therefore, they have no objection to function the school in the said premises. However, the petitioner would submit that he wants to get back the land from the school authorities. If the petitioner already got back his land from the lessee, the right available to the petitioner is to approach the civil Court and get appropriate direction against the school authorities to vacate the premises.

6. In view of the same, the prayer sought for by the petitioner cannot be considered and accordingly the Writ Petition stands closed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

16.12.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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College Road
Chennai.

4/6



W.P.(MD) No.17763 of 2023

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W.P.(MD) No.17763 of 2023

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.17763 of 2023

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