



W.P(MD)No.10112 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.10112 of 2018

N.S.R. Sethuramachandran

..Petitioner

Vs

1.The Director,
The Office Of The Director Of Public
Instructions(matriculations), College Road,
Nungambakkam, Chennai.

2.The Chief Educational Officer,
Tallakulam, Madurai-625 002.

3.The Inspector Of Matriculation Schools,
Tallakulam, Madurai - 625 002.

4.Dr.C.Chandran
5.P.S.Boopathy Manickam
6.B.Dhanalakshmi

7.Guruji Educational Trust,
Rep. By Its Present Trustee,
The Respondents Above,
5, 6, Vanamamalai Nagar,
Bye Pass Road, Madurai-625 018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to take suitable and appropriate action on the representation dated 22.5.2017 sent by the petitioner and to rescind or cancel or terminate the



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permission granted to the Respondents 4 to 7 to conduct the school by name Sri Arabindo Mira Matriculation Higher Secondary School or under any other name or style within the property.

For Petitioner : Mr.M.S.Balasubramania Iyer

For Respondents : Mr.P.T.Thiraviyam
Govt. Advocate (for R1 & R2)

Mr.S.Selva Aditya for
Mr.G.Prabhu Rajadurai (for R4 and R7)

R5 & R6 – No appearance - unclaimed

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to take suitable and appropriate action on the petitioner's representation dated 22.05.2017, and to rescind, cancel, or terminate the permission granted to the respondents 4 to 7 to conduct the school in the name of Sri Arabindo Mira Matriculation Higher Secondary School or under any other name or style within the property.

2. The petitioner would submit that the respondents 4 to 7 and one Jhansi Rani intended to establish an educational institution to impart standard and high-quality education to pupils at Madurai, and for this purpose, they required the petitioner's property. Accordingly, it was decided



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that the aforesaid persons would take possession of the petitioner's property under different deeds. As per the arrangement, possession of the property was taken under three different documents:

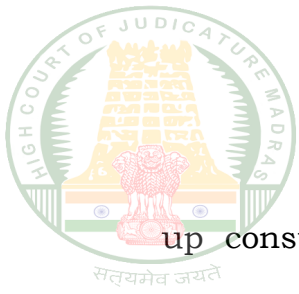
(a) Lease Deed dated 07.02.2002 entered into between the petitioner and the respondents 4 to 7 and Jhansi Rani, under which the property was to be enjoyed only as vacant land, to be used as a playground for the school. It was specifically agreed that no building would be constructed thereon.

(b) Mortgage Deed dated 06.02.2002 entered into between the petitioner and the respondents 4 to 7 and Jhansi Rani, under which a portion of the property was taken under Othi for a total consideration of Rs.19 lakhs. They were permitted to put up construction for housing the school building.

(c) Mortgage Deed dated 06.02.2002 entered into between the petitioner and the respondents 4 to 7 and Jhansi Rani, with respect to another portion of the property under Othi for Rs.4 lakhs. Here again, construction was permitted.

3. The lease and mortgage were for a period of four years. It was agreed that the petitioner would not be liable to pay any cost of construction of the building to the respondents 4 to 7 and Jhansi Rani. Thereafter, a school was constructed on the property.

4. It is the contention of the petitioner that the respondents 4 to 7 and Jhansi Rani violated the terms of the lease and mortgage deeds by putting



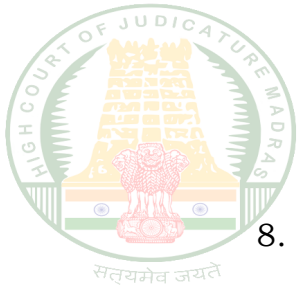
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up construction on the vacant land, which was to be used only as a playground. The property was also utilized for school purposes beyond the agreed terms. Further, they had let out the terraced portions of the buildings for the display of placards and signboards without the petitioner's permission, which was objected to by the petitioner.

5. The petitioner has also filed O.S.No.144 of 2012 on the file of the II Additional Subordinate Judge, Madurai, seeking redemption of the mortgages and eviction from the leasehold portion of the petitioner's properties. The said suit is still pending. The petitioner contends that the respondents 4 to 7 have deliberately delayed the proceedings under one pretext or another.

6. The petitioner therefore submits that the respondents 1 to 3 cannot be permitted to recognize such unlawful occupation, and hence, there exists sufficient reason to cancel the permission granted. Despite several requests and the representation dated 22.05.2017, no steps have been taken by the second respondent to cancel the contract. Hence, the petitioner has approached this Court.

7. Heard the learned counsel appearing on either side.



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8. Admittedly, the suit for redemption as well as cancellation of the lease deed is pending before the Civil Court. It is also admitted that the school building was constructed by the respondents 4 to 7 and one Jhansi Rani with the consent of the petitioner and in terms of the agreement. The petitioner now alleges violation of the lease conditions, all of which are matters to be proved before the Civil Court. Until such time as the petitioner obtains a decree, the functioning of the school buildings cannot be interfered with. Therefore, considering the fact that any immediate action would adversely affect the students, it is directed that once the suit is decreed in favour of the petitioner, he may renew his request, and the same shall be considered in accordance with law.

9. With the above observation, this writ petition is disposed of. No costs.

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



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2.The Chief Educational officer,
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3.The Inspector Of Matriculation Schools,
Tallakulam, Madurai - 625 002.

4.Dr.C.Chandran,s/o.Chinnathambi
Thevar, 5, 6, Vanamamalai Nagar,
Bye Pass Road, Madurai-625 018.



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P.T.ASHA, J.

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