

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 8624 of 2015 (S)

PETITIONER:

SANDEEP P.S. THUSSAMMEVELI, KAYIPPURAM
POST, MUHAMMA, ALAPPUZHA

BY ADVS.SRI.ANIL S.RAJ

SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.
SMT.ANILA PETER
SRI.J.VIVEK GEORGE

RESPONDENTS (S) :

1. MINISTRY OF LOCAL SELF DEPARTMENT
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM,
KERALA - 1
2. THE CHIEF TOWN PLANNING OFFICER,
VIGILANCE, 5TH FLOOR, SWARAJ BHAVAN,
NANTHANCODE, THIRUVANANTHAPURAM - 1
3. THE SECRETARY, CHERTHALA SOUTH PANCHAYATH,
CHERTHALA SOUTH P.O. PIN - 688 6552
4. CENTRAL BOARD OF SECONDARY EDUCATION SHIKSHA
KENDRA - 2, COMMUNITY CENTER, PREET VIHAR,
DELHI- 110092, REPRESENTED BY ITS SECRETARY
5. SREE SANKARA ENGLISH MEDIUM SCHOOL,
REPRESENTED BY ITS PRESIDENT/MANAGER,
PULIYAMKOTTUBHAGOM EDUCATIONAL AND
CULTURAL SOCIETY, KURUPPANKULANGARA P.O.
CHERTHALA - 688 539

6. PRINCIPAL, SREE SANKARA ENGLISH MEDIUM
SCHOOL, REPRESENTED BY ITS PRESIDENT/MANAGER,
PULIYAMKOTTUBHAGOM EDUCATIONAL AND
CULTURAL SOCIETY, KURUPPANKULANGARA P.O.
CHERTHALA - 688 539
7. ADMINISTRATIVE OFFICER,
SREE SANKARA ENGLISH MEDIUM
SCHOOL, REPRESENTED BY ITS PRESIDENT/MANAGER,
PULIYAMKOTTUBHAGOM EDUCATIONAL AND
CULTURAL SOCIETY, KURUPPANKULANGARA P.O.
CHERTHALA - 688 539

BY GOVERNMENT PLEADER SMT. GIRIJA GOPAL
BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE NEWS PAPER CUTTING IN THE MATHRUBHOOMI DAILY DATED 2-8-2014

EXT.P2: TRUE COPY OF THE QUERY AND REPLY OBTAINED UNDER THE RIGHT TO INFORMATION ACT

EXT.P2 (A): TRUE TRANSLATION OF EXT. P2 FROM MALAYALAM TO ENGLISH

EXT. P3: TRUE COPY OF THE CHAPTER II OF NORMS FOR AFFILIATION WHEREIN THE MINIMUM REQUIRED LAND IS STATED

EXT.P4: TRUE COPY OF THE QUERY UNDER THE RIGHT TO INFORMATION ACT REGARDING CONSTRUCTION OF BUILDING BY THE 5TH RESPONDENT

EXT.P4 (A): TRUE TRANSLATION OF EXT. P4 FROM MALAYALAM TO ENGLISH

EXT. P5: TRUE COPY OF THE REPLY GIVEN TO THE QUERIES UNDER THE RIGHT TO INFORMATION ACT

EXT.P5 (A): TRUE TRANSLATION OF EXT. P5 FROM MALAYALAM TO ENGLISH

EXT.P6: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 27-12-2014

EXT.P6 (A): TRUE TRANSLATION OF EXT. P5 FROM MALAYALAM TO ENGLISH

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

.....
W.P. (C) No. 8624 of 2015
.....

Dated this the 18th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Petitioner has approached this Court seeking the following reliefs:

- i) Call for the records based on Ext. P6 representation pertaining to the building permit of the 5th respondent school and issue a writ of mandamus or any other writ or direction to the respondents 2 and 3 to issue stop-memo to the 5th respondent school for further construction of buildings,
- ii) Direct the 4th respondent to cancel the affiliation given to the 5th respondent school with immediate effect

iii) Direct all the respondents to implement corrective measures if any for the said anomaly by the 5th respondent school considering the fate and future of the said 1300 students studying in the said school”.

2. Petitioner claiming to be a pro bono publico has approached this Court complaining about the lack of infrastructural facilities in the matter relating to the functioning of the school managed by the 7th respondent. It is inter alia contended that the 2nd floor of the building was constructed four years back and fitness certificate was obtained only during the end of the year 2013. Further it is stated that during rainy season, the students are put to severe difficulties. Petitioner points out certain violations in the matter relating to the construction of the building as well as the minimum facilities that have to be provided by the authorities. According to the petitioner, though representations have been made, no action has been taken by the school authorities in the matter. Petitioner has also applied under the Right to Information Act calling upon the School authorities to provide certain informations but the informations were not satisfactory.

3. Having regard to the submissions made by the learned counsel for the petitioners and on perusal of the records, we do not think that this Court can entertain this case as a public

interest litigation. Petitioner's complaint is with regard to the construction activities in a particular school. Petitioner can point out any deficiency in the construction being done before the appropriate authorities and it is for the said authorities to look into the matter and do the needful. Petitioner had already submitted representations to various authorities. But the fact remains that it is for the local authority to first confirm as to whether the school is constructed without getting appropriate permission.

Reserving the right of the petitioner to approach the local authority or such other statutory forum to ventilate his grievance, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

ani/

/truecopy/

P.S. to Judge