

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.12671 of 2014

and

M.P.No.1 of 2014 & M.P.No.1 of 2015

Krishnaswamy and Baliah Avenue Civic Exnora,
Represented by its Vice President
Radhika Santhanakrishnan
No.15, Krishnaswamy Avenue,
Mylapore, Chenna-600 004.

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Secretary,
Education Department,
Fort St.George, Chennai-9.
2. The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
3. The Corporation of Chennai,
Represented by its Commissioner,
Ripon Building, Chennai - 600 003.
4. The Joint Commissioner of Police, Traffic
Egmore, Chennai - 600 008.
5. The Director of School Education,
College Road, Chennai - 600 006.
6. The Fire and Rescue Services,
Represented by its Director,
12, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

7. The Calibre Academy,
Represented by its Principal,
Krishnaswamy Avenue,
Mylapore, Chennai - 600 004.

8. P.Varadarajan,
No.4, Luz Avenue,
Mylapore, Chennai - 600 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the official respondents to take action and close the Seventh Respondent School for violation of the Development Control Regulations prescribed by the second respondent, the Tamil Nadu Public Buildings (Licensing) Act, 1965, the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and for not obtaining fire safety clearance from the sixth respondent or approval/affiliation from any recognized Board of Education.

For Petitioner : Mr.Muthukumarasamy
Standing Counsel
for Mr.A.Jenasenan

For Respondent 1, 4 & 5: Mr.N.Sakthivel
Government Advocate

For Respondent 2 : Mr.Rajasrinivasan

For Respondent 3 : Mr.R.Arunmozhi

For Respondent 7 : Ms.Srinidhi Srinivasan

For Respondent 8 : Mr.G.Krishnakumar

ORDER

Heard the learned counsels appearing on their sides and by their consent, the Writ Petition is taken up for final disposal.

2. The petitioner, a Welfare Association of the residents of Krishnaswamy and Baliah Avenue, Mylapore, Chennai,

have filed this Writ Petition to close down the seventh respondent-School situated in the Krishnaswamy Avenue. According to the petitioner, the seventh respondent school was established in violation of the Development Control Regulations issued by the second respondent.

3. The seventh respondent has filed an affidavit of undertaking before this Court stating that they will vacate the premises, in which the school is currently situated on or before 31.05.2016 and the Court may extend the time upto the said date to enable them to vacate the premises

4. The learned counsel appearing for the Writ Petitioner, who is shown as first respondent in the affidavit of undertaking submits that the affidavit may be placed on record and time may be granted upto 31.05.2016.

5. Accordingly, the Writ Petition is disposed of by placing on record the affidavit of undertaking filed by seventh respondent-School and the seventh respondent-School shall vacate and hand over possession of the premises to the owner of the premises on or before 31.05.2016. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Secretary to Government of Tamil Nadu
Education Department,
Fort St.George, Chennai-9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.

3. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
4. The Joint Commissioner of Police, Traffic
Egmore, Chennai - 600 008.
5. The Director of School Education,
College Road, Chennai - 600 006.
6. The Director,
Fire and Rescue Services,
12, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

+lcc to Mr.A.Jenasenan, Advocate, S.R.No.69071
+lcc to Mr.G.Krishnakumar, Advocate, S.R.No.68679

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KGK(CO)
CA(18/01/2016)



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