

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16448 of 2015

V.Eswaran

.. Petitioner

-vs-

1. Government of Tamil Nadu,
Rep. by its Secretary to Govt.,
School Education Department,
Govt. of Tamil Nadu, Secretariat,
Fort St. George, Chennai.
2. The Chairperson
Tamil Nadu Commission for Protection
of Child Rights, No.300, Purasaiwakkam
High Road, Kellys, Chennai.
3. The Chief Educational Officer,
District Education Office,
No.500, Raja Street,
Near Time Tower, Coimbatore.
4. The District Collector,
Collectorate, Coimbatore.
5. The Tahsildar,
Office of Tahsildar,
Madukkarai, Coimbatore.
6. The Head Mistress
Government Higher Secondary School,
Madukkarai, Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to direct respondents 1 to 4 to
shift the 5th respondent Taluk Office from 6th respondent School land
to any other suitable place by considering petitioner's
representation dated 15.04.2015.

For Petitioner : Mr.N.Manokaran
for M/s.N.Ponraj

For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader
assisted by Mr.Karthikeyan,
Govt. Advocate.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The perusal of the photographs and the report of the Collector, Coimbatore, clearly show that the modern school building has been brought into existence in the place of the dilapidated old structure, where the school was running. The question which now the learned counsel for the petitioner seeks to raise is that according to him and the School Head Mistress, the old building should be used only for school purpose and not for the Taluk Office.

2.We have emphasized a number of times that the Court cannot step into the administrative domain of decision making, i.e., where a particular building should be located, whether it should be for 'A' purpose or 'B' purpose. In a democratic polity, it is the elected representatives, who in turn form the Government would decide on such policy issues. It cannot be at the behest of the petitioner, who, as a voter, elects the Government.

3.The respondents, in their wisdom, have decided to use the old building for a Taluk Office. The Higher Secondary School is working separately. It is the say of the Collector that the Taluk Office lies about 600 metres away from the school and the school has enough space for its smooth functioning. The land allotted to the Taluk Office was not in the use of the education department for the past four years.

4.We are, thus, not inclined to entertain this matter any further.

5.Writ petition is dismissed. No costs.

sra

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Govt.of Tamil Nadu,
School Education Department, Secretariat,
Fort St. George, Chennai.
 2. The Chairperson
Tamil Nadu Commission for Protection
of Child Rights, No.300, Purasaiwakkam
High Road, Kellys, Chennai.
 3. The Chief Educational Officer,
District Education Office, No.500,
Raja Street, Near Time Tower, Coimbatore.
 4. The District Collector,
Collectorate, Coimbatore.
 5. The Tahsildar,
Office of Tahsildar, Madukkarai, Coimbatore.
- + 1 cc to Mr.N.Ponraj, Advocate SR 29890
- + 1 cc to Govt.Pleader SR 29974

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