

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24..08..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. Nos.25676, 28728, 25562, 25573 and 29823 of 2011
and M.P.Nos.1 to 1, 2 to 2 and 3 of 2011
M.P.Nos.1 to 1 and 2 to 2 of 2012

S.T.Manonmani .. Petitioner in W.P.No.25676 of 2011
R.Gandhi .. Petitioner in W.P.No.28728 of 2011
R.Prabhakaran .. Petitioner (P-in-P) in W.P.No.25573 of 2011
P.Pugalenthir .. Petitioner in W.P.No.25562 of 2011
R.Prabhakaran .. Petitioner (P-in-P) in W.P.No.29823 of 2011

Versus

1.The Government of Tamil Nadu
represented by the Chief Secretary,
Secretariat, Chennai 600 009. .. 1st Respondent in W.P.Nos.25676,
and Respondent in 28728, 25562 and
25573 of 2011

2.The Secretary to Government
Department of School Education
Secretariat, Chennai 600 009.

3.The Director of Public Library,
No.737/1, Anna Salai,
Chennai 600 002. .. Respondents 2 and 3 in W.P.25676/11
in W.P.No.25676 of 2011

1.Union of India represented
by its Cabinet Secretary
Rashtrapathi Bhawan, New Delhi 110 004.

2.The Ministry of Culture and Heritage
represented by its Secretary
C-Wing, Shastri Bhawan
New Delhi 110 001.

3.The Ministry of H.R.D.,
represented by its Secretary
Shastri Bhawan
Dr.Rajendra Prasad Road,
New Delhi.

4.The Chief Secretary to Government
State of Tamil Nadu
Fort St.George,
Chennai 600 009.

Respondents 1 to 4 in W.P.No.29823 of 2011

W.P.No.25676 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Declaration, declaring the decision of the Government of Tamil Nadu, said to have been taken in the Cabinet of State of Tamil Nadu and published in newspapers in 02.11.2011, deciding/intending to shift the Anna Centenary Library from the existing place at Kotturpuram to DPI campus or to any other place and convert the same as Children Specialty Hospital as null and void, illogical, irrational, whimsical and capricious and consequently direct the respondents to continue to function the library in the existing premises at Kotturpuram and maintain the same without changing its nature with adequate financial assistance in the Anna Centenary Building for the purpose it was conceived, designated and built.

W.P.No.28728 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondent in any manner shifting the Anna Centenary Library from its original place at Educational Institution Complex in Kotturpuram, Chennai 600 085, to any other place.

W.P.No.25562 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondent from shifting the Anna Centenary Library, Kottupuram, Chennai to any other place.

W.P.No.29823 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Declaration to declare the Anna Centenary Library as National Public Library, an institution of National Importance.

W.P.No.25573 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, to call for the records relating to the Cabinet Resolution taken on 02.11.2011 so as to transfer the Library

from Kotturpuram to DPI Campus and quash the same and direct the respondent to form an apolitical committee to monitor the proper functioning of the Library, flow of funds, proper governance etc.

For Petitioner :: Mr.P.Wilson - Senior Counsel
for Mr.R.Neelakandan in
W.P.No.25676 of 2011
Mr.R.G.Narendhiran in
W.P.No.28728 of 2011
Mr.M.Radhakrishnan in
W.P.No.25562 of 2011
Mr.P.Prabhakaran(Party-in-person)inW.P.No.25573 of 2011
Mr.P.Prabhakaran(Party-in-person)inW.P.No.29823 of 2011

For Respondents :: Mr.STS.Murthi
Government Pleader
assisted by
Mr.V.R.Kamalanathan AGP
Mr.V.Shanmugasundaram
in W.P.Nos.25676, 28728, 25562 and
25573 of 2011

Mr.T.V.Krishnamachari,
CGSSC for R.1 to R.3
in W.P.No.29823 of 2011

O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

We have perused the report of the two member Commission and the photographs submitted with it. We really appreciate the work done by the Commission in submitting an exhaustive report qua all aspects of deficiencies.

2. We may note that the problem is not so aggravated as we initially perceived, but it is a case of lack of regular maintenance and upgradation, a task not so difficult for the Government to perform. If a state of the art library is made, the duty of the Government does not end with creating it, but to see that it maintains itself and there is regular upgradation. Though finances in such a situation are not a problem for the State, the Commission has also suggested very practical methods which can assist in generating revenue for the library itself to be self-sufficient. This is possible by giving the facilities of auditorium, conference hall, seminar hall, Amphitheatre etc., on rent for the purpose of generating income. It is sad to see these facilities have been kept closed and one of the reasons for deterioration appears to be the lack of usage.

3. The report not only deals exhaustively with all issues, but makes the recommendations in paragraph-34 which reads as under:

"A. The building housing the Anna Centenary Library, the Auditorium, the Food Court, the Amphitheatre and the campus in general is maintained reasonably well and does not indicate signs of total neglect.

B. The maintenance of the toilets/washrooms leave a lot to be desired including water supply. However, the toilets do not appear to be wholly in a state of complete disrepair. Considering the number of people who visit the Library, this area requires immediate attention.

C. For a library which has a large number of the outsiders visiting it on any given day the security in terms of the CCTV is wanting. Though provision has been made for it, the same has not been put into use. However security personnel are available in adequate numbers in the campus and in all the floors.

D. The drinking water facility has to be improved so as to ensure adequate water supply in all the floors for the use of the visitors.

E. Though dailies, periodicals and magazines have been updated, there has been no updation of the books and there are no new additions/purchasers after inception. Considering the fact that this is a library used primarily by students, people taking on competitive exams and professionals, failure to update/purchase books would ultimately cause a considerable drop in the footfall into the Library.

F. Though provision has been made for the E-Library, no steps/initiative appears to have been taken to put this section to use and same continues to be non-functional since its inception as also the palm leaf section.

G. As the building is largely dependent on Air conditioners for human comfort the chillers and the air conditioning as a whole has to be attended to immediately.

H. To prevent a total breakdown of power supply the gensets have to be immediately set right.

I. Considering the size and the volume in the library the present employee strength is grossly inadequate and the staff now working are not permanent.

J. Though there were ramps and disabled friendly washrooms/toilets, we did not find wheel chairs at the entrance and some of the disabled friendly toilets are kept locked.

K. The landscaping and the greenery around the campus should be improved.

L. The Auditorium, Conference Hall, Seminar Hall, Food Court and Amphitheatre has been kept closed. If these portions are given on rent, it can generate income which could be utilized for the purchase of new books/updation of journals/books in the library."

4. On a perusal of the report, we have no hesitation in directing the respondents to implement all recommendations as aforesaid in a time bound manner.

5. This would require the Government to prepare a schedule for carrying out the necessary works and to submit compliance report to the Court from time to time. The first such report specifying the time frame for each work with clear bar-chart be annexed to the compliance report. The suggestion made for generating revenue are well conceived and should be utilized to generate revenue, but the pre-requisite is, all these facilities have to be fully activated.

6. We may also note that we had received a communication from the Anna Centenary Library Employee's Welfare Association (ACLEWA), which is also enclosed with the report. We do believe that the service rules which are stated not to be in force must be brought into force. The vacant posts be filled in and the matter be examined for enhancement of posts, so that the facilities in the Library are fully functional.

7. We thus dispose of the petition with the hope and trust that the respondents will do the needful now at least expeditiously.

8. In view of the services rendered by the two Commissioners, we feel an additional fee of Rs.25,000/- each should be paid to them by the Government.

9. The cause to approach this Court initially in 2011 not really survives now as the Library is required to be maintained and upgraded in terms of our directions.

10. The extra copies of the report of the Commissioners and CDs containing the photographs be released - one to the Government Pleader and one to the petitioner, who are at liberty to make copies of it, if they so want.

11. The writ petitions accordingly stand disposed of. Consequently connected miscellaneous petitions are closed.

12. List W.P.No.25676 of 2011, for compliance on 15.09.2015.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Government of Tamil Nadu
represented by the Chief Secretary,
Secretariat, Chennai 600 009.

2.The Secretary to Government
Department of School Education
Secretariat, Chennai 600 009.

3.The Director of Public Library,
No.737/1, Anna Salai, Chennai 600 002.

4. The Cabinet Secretary, Union of India,
Rashtrapathi Bhawan, New Delhi 110 004.

5.The Ministry of Culture and Heritage
by Secretary C-Wing, Shastri Bhawan
New Delhi 110 001.

6.The Secretary, The Ministry of H.R.D.,
Shastri Bhawan, Dr.Rajendra Prasad Road, New Delhi.

7. M. Sundar, Advocate 453 Addl.Law,
Chambers, High Court, Madras-104

8. Ms.P.T. Asha, Advocate Office at No.47 Armenian Street, Chennai.

+ 1 cc to Mr.R. Neelakandan, Advocate Sr.44823(in W.P.25676/11)

W.P. Nos.25676 of 2011

CA(CO)

Eu 07.09.15