

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.26908, 28950, 28547 of 2011
and W.P.No.1250 of 2012

S.Tamilselvan .. Petitioner in W.P.No.26908 of 2011
Kavignar Ilayabharathi .. Petitioner in
W.P.No.28950 and 28547 of 2011
M.S.Ramesh .. Petitioner in W.P.No.1250 of 2012

Versus

1.The Government of Tamil Nadu
represented by the Secretary,
School Education (K-2) Department,
Fort St.George,
Chennai 600 009. ..1st Respondent in W.P.Nos.26908,
..2nd Respondent in W.P.28950, 28547 of 2011
..1st Respondent in and W.P.No.1250 of 2012

2.The Director of Public Libraries,
Anna Salai,
Chennai 600 002. ..2nd Respondent in W.P.Nos.26908,
4th Respondent in W.P. 28950,
28547 of 2011 2nd respondent in
and W.P.No.1250 of 2012

3. The Chief Librarian and Information Officer
Anna Centenary Building,
Chennai 600028. ..3rd Respondents in
W.P.No.26908 of 2011

The Government of Tamil Nadu
represented by the Chief Secretary
Secretariat, Chennai 600009. .. 1st respondent in
W.P.Nos.28950 and
28547 of 2011

The Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai 600 009. ..3rd respondent
in W.P.No.28950, 28547
of 2011 and W.P.No.1250 of 2012

W.P.No.26908 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, to call for the records of the first respondent relating to the G.O.Ms.No.168 dated 02.11.2011, School Education (K2) Department and quash the same.

W.P.No.28950 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 State Cabinet, Government of Tamil Nadu, said to have been taken on 01.11.2011 and reflected in G.O.Ms.No.168 School Education (K2) Department dated 02.11.2011 passed by the 2nd respondent deciding to shift the "Anna Centenary Library" from the existing place at Kottupuram to DPI Campus (Directorate of Public Instructions Complex) or to any other place and convert the same into multi speciality pediatric hospital is null and void, illogical, irrational, whimsical, and capricious and violative of rights of the citizens and environmental laws and direct the respondents to continue to function the library in existing premises at Kottupuram with adequate financial assistance and staffs and maintain without changing the nature for the purpose it was conceived, designed and built.

W.P.No.28547 of 2011: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, to call for the records of the impugned G.O.Ms.No.168 School Education (K2) Department dated 02.11.2011 passed by the 2nd respondent and quash the same and consequently forbearing the respondents from shifting the "Anna Centenary Library" from the existing place at Kotturpuram to any other place and direct the government to provide ample financial facilities for running the said library smoothly and to serve the needs of the public.

W.P.No.1250 of 2012: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents to implement the order of the Government of Tamil Nadu in G.O.Ms.No.168, School Education (K2) Department dated 02.11.2011, in its letter and spirit.

For Petitioner :: Mr.S.Senthilnathan
in W.P.No.26908 of 2011

Mr.P.Wilson - Senior Counsel
for Mr.R.Neelakandan
in W.P.No.28950 and 28547 of 2011

Mr.T.N.C.Kaushik in W.P.No.1250
of 2012

For Respondents :: Mr.STS.Murthi
Government Pleader
assisted by
Mr.V.R.Kamalanathan AGP
Mr.V.Shanmughasundaram

O R D E R

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

The Challenge laid in these petitions is to G.O.Ms.No.168, School Education (K2) Department dated 02.11.2011.

2. So far as shifting of the Library is concerned, that chapter is over in view of our order passed in W.P.No.25676 of 2011.

3. Learned Government Pleader would however like to obtain instructions whether the State Government is still interested in creating the 'Integrated Knowledge Park', but of course without shifting the Library along with facilities in the complex.

4. We are however of the view that if the State Government is so desirous, there is no impediment in creation of the Integrated Knowledge Park, but of course without shifting the Library and the facilities attendant thereto.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

To

- 1.The Secretary, Government of Tamil Nadu
School Education (K-2) Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Public Libraries,
Anna Salai, Chennai 600 009.
3. The Chief Librarian and Information Officer
Anna Centenary Building, Chennai 600028.
4. The Chief Secretary,
Government of Tamil Nadu
Secretariat, Chennai 600009.
5. The Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai 600 009.
6. M. Sundar, Advocate 453 Addl.
Law Chambers High Court, Madras. 104
7. Ms.P.T. Asha, Advocate Office
at No.47, Armenian Street, Chennai.

W.P. Nos.26908,28950, 28547 of 2011
and W.P.No.1250 of 2012

CA(CO)

Eu 07.09.15