

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23188 of 2015

and

M.P.No.1 of 2015

- 1.C.Balaraman
- 2.D.Robert Kennady
- 3.E.Nagappan
- 4.P.Thilagam
- 5.R.Thambiran
- 6.M.Pugazhenth
- 7.A.Rajendran
- 8.K.P.Ettiappan
- 9.M.Sampath
- 10.N.R.Elumalai
- 11.K.Arulmugesh
- 12.K.Selvasundari
- 13.D.Ramu
- 14.M.B.Sreekanth

...Petitioners

-Vs-

1. Union of India rep by
Addl. Secretary,
Department of Atomic Energy,
Anushakthi Bhavan,
C.S.M.Marg, Mumbai-400 001.
2. The Chairman,
Kalpakkam Management Committee/
The Director,
General Service Organisation,
Department of Atomic Energy,
Kalpakkam-603 102.
Kanchipuram District.

3. The President,
Nuclear Employees Sports & Cultural Organisation,
Kalpakkam-603 102,
Kanchipuram District.
4. The Estate Officer,
General Service Organisation,
Department of Atomic Energy,
Kalpakkam-603 102,
Kanchipuram District.
5. The Inspector of Police,
E-4, Kalpakkam Police Station,
Kalpakkam-603102,
Kanchipuram District.
6. Deputy Superintendent of Police,
Mamallapuram,
Kanchipuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to cancel the permission granted to the 3rd respondent for conducting Carnival to be held from 31.07.2015 to 09.08.2015 at Opp. to Atomic Energy Central School-I, Kalpakkam.

For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.Rm.Muthukumar,
Government Advocate for R5 and R6

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners would state that the second respondent organization is a Government of India entity, which comes under the control of the first respondent and also various organizations are functioning under the control of the Department of Atomic Energy. The third respondent is one such organization and they are conducting cultural activities every year in a place called NESCO ground. The grievance expressed by the petitioners is that the third respondent instead of conducting Carnival in the usual place, is planning to conduct the same in a new place near public school where the classes are conducted for Class 1 to +2 students and the place chosen by them

also lies 50 feet away from the school and the Carnival is scheduled to be conducted between 31.07.2015 and 09.08.2015. The petitioners would further contend that they are unable to understand how such a permission is granted by the respondents 2 and 4, inspite of the fact that the Carnival, which is going to be conducted by the third respondent in the new place, would cause disturbance to the functioning of the school and the students studying in the school and in this regard, the petitioners submitted a representation dated 09.07.2015 requesting them to point out the reasons for shifting of the place and requested the second respondent to withdraw the permission and prevent the third respondent from conducting the Carnival. In this regard, the General Services Organization Employees Association, in which the petitioners are members, has submitted a representation dated 09.07.2015 to the second respondent and since no response is forthcoming, came forward to file this writ petition.

3. The learned counsel appearing for the petitioners would contend that the Carnival is going to be conducted in the newly allotted place between 31.07.2015 and 09.08.2015 and hence, the second respondent may be directed to pass orders immediately.

4. Heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice on behalf of the respondents 5 and 6 and would submit that the alleged function is going to be conducted in a place belonging to the second respondent organization and as on date, they have no role to play and only in the event of any law and order problem or public order problem, they may intervene and take action in accordance with law.

5. This Court, without going into the merits of the claim projected by the petitioners, directs the second respondent to consider and dispose of the petitioners' representation dated 09.07.2015, after putting on notice the third respondent and pass orders in accordance with law by 30.07.2015 and communicate the decision taken, to the petitioner as well as the third respondent.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Additional Secretary,
Union of India
Department of Atomic Energy,
Anushakthi Bhavan,
C.S.M.Marg, Mumbai-400 001.
2. The Chairman,
Kalpakkam Management Committee/
The Director,
General Service Organisation,
Department of Atomic Energy,
Kalpakkam-603 102.
Kanchipuram District.
3. The President,
Nuclear Employees Sports & Cultural Organisation,
Kalpakkam-603 102,
Kanchipuram District.
4. The Estate Officer,
General Service Organisation,
Department of Atomic Energy,
Kalpakkam-603 102, Kanchipuram District.
5. The Inspector of Police,
E-4, Kalpakkam Police Station,
Kalpakkam-603102,
Kanchipuram District.
6. Deputy Superintendent of Police,
Mamallapuram,
Kanchipuram District.

1 CC to Mr.S.T.Varadarajulu, Advocate SR.No. 38910

AK (CO)
PSI (29.07.2015)

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