

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-02-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.3191 of 2015
and
M.P.Nos.1 to 3 of 2015

I.Siddiq

...Petitioner

vs

1. The Secretary to Government of Tamil Nadu
Law Department
Fort St. George, Chennai
2. The Director
Directorate of Legal Studies
Purasaiwakkam, Chennai
3. The Principal
Dr.Ambedkar Government Law College
Parrys, Chennai 104.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent not to shift the third respondent college to any other place on the basis of the representation handed over to the respondents on 4.2.2015.

For Petitioner : Mr.T.Arockia Dass

For Respondents : Mr.S.T.S.Moorthy
Government Pleader for RR1 to 3

ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

The petitioner is a student of Dr.Ambedkar Government Law College, Chennai and seeks to file the present litigation in public interest.

2.It is the case of the petitioner that the students have come to know that there is an endeavour by the State Government to shift the third respondent-College from it's present location in the precincts of Madras High Court to an isolated place 50 or 60 kilometers away from the existing place. On making enquiry, the students did not receive any appropriate information. The students had started agitating without knowing the real facts and in their view, the building, which has been constructed 120 years back, has the strength and stamina to withstand 500 years in future; but, it is the first respondent/State Government, who wanted the College to be shifted away from the existing place on the pretext that the existence of the third respondent-College creates law and order problem in the heart of the city. This is stated to be a revengeful attitude.

3.The reason why the student community is stated to require the same location of the College is on account of persons from weaker sections obtaining more experience and quality of education, as it is the only College functioning near a District Court and the High Court. It is alleged that the second respondent/the Directorate of Legal Studies also did not come forward to find a solution over the agitation and there was allegedly a lathi charge without warning, resulting in injuries to some students.

4.In the latter part of the pleadings, it is alleged that the reason for shifting of the College to some other place is because of the Metro Rail Project, when the existing red building got damaged. Since there are stated to be adequate halls available in the new building to conduct classes, the decision to shift the College amounts to deprivation of basic amenities.

5.The aforesaid being the sum and substance of the allegation in the petition, a prayer is made for directions to the first respondent not to shift the third respondent-College to any other location.

6.We may note that at present, the College is kept closed because of the agitation of the students and there was an untoward incident where the police alleges that the students took law into their own hands, while the students on the other hand, submit that though they were agitating, it was peaceful. That would be a subject matter of some other proceedings.

7. Insofar as the building in question is concerned, whether it was because of the Metro Rail Project or otherwise (a matter which is disputed), the building has been declared unsafe by the Public Works Department. There had been independent studies carried out by experts, who are also of the view that the condition of the building is precarious and it urgently needs repairs. In fact, this matter is being monitored on the judicial side by this Court and the Government was put to notice that if any untoward incident occurs, who would be responsible for the consequences? The Government has been, thereafter, making endeavours to find an alternate location to shift the College so that necessary repairs can be carried out.

8. We, thus, put a question to the learned Counsel for petitioner as to who would take responsibility in case of any untoward incident that may occur, keeping in mind that the building is declared unsafe. The petitioner or other students cannot act as an Appellate Authority over the Expert Body, which has declared the building unsafe. Their judgment cannot prevail over that of the experts and in fact, the Court has been concerned and apprehensive about the possibility of such a building, in the absence of repairs, resulting in an untoward incident, causing loss of life or injury. Thus, there is no doubt that shifting of the College is a necessity.

9. Learned Counsel for petitioner sought to advance submission about the quality of education being affected. We see no merits in this plea because it is not as if the faculty has been diminishing or methods of teaching are being changed, but only the campus is being shifted so that the building in question can be repaired. Rather than taking recourse to a legal remedy of approaching the Court in those proceedings for any clarification, the students chose to take law into their own hand. We refuse to believe that the students are unaware of those proceedings as every proceedings in that matter is widely reported in the press. It appears that when the matter of shifting was being finalised by the State Government, the present agitation started.

10. Learned Counsel for petitioner also referred to the judgment of the First Bench of this Court in W.P.No.27115/2008 dated 1.12.2008, to emphasize that the State Government has not taken salutary measures as recommended by the Court to improve legal education. If it was so, nothing prevented the students from coming to Court for seeking enforcement of those directions. Interestingly, the first direction being (a) of para 11 of the said judgment, itself states that the heritage building of the law college should be renovated and restored to its original stature.

11. We also fail to appreciate how in any manner, the students of socially and economically backward sections of the society would be prejudiced, as admission norms are not being changed

by such shifting. The shifting is a necessity.

12.As to whether the shifting is a temporary arrangement or would result in a longer arrangement thereafter, for a larger campus to be set up, really cannot be examined in these proceedings. Education whether in law or otherwise, requires different kinds of training and facilities. Campuses exist all over the country for legal education, not necessarily in the centre of the city. As to whether there is a proposed location for shifting and whether there could have been a better location nearer the Court complex are all other matters, which could have been examined in appropriate proceedings. We would, thus, not like to comment on that aspect, but suffice to say that the present condition of the building in question does not permit it to be retained for the College on account of it's precarious condition.

13.We are, thus, of the view that the direction prayed for in this writ petition of a writ of mandamus not to shift the College to any other place cannot be granted in view of what we have observed aforesaid.

14.The writ petition stands dismissed. No costs. Consequently, connected MPs are also dismissed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government of Tamil Nadu
Law Department
Fort St. George, Chennai
2. The Director
Directorate of Legal Studies
Purasaiwakkam, Chennai
3. The Principal
Dr.Ambedkar Government Law College
Parrys, Chennai 104.

1 CC to Mr.T.Arockia Dass, Advocate SR.No. 6922
1 CC to the Government Pleader, SR.No. 7188

W.P.No.3191 of 2015

MP (CO)
PSI (25.02.2015)