



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.9161 of 2011

P.Ganesha Moorthy

... Petitioner

Vs.

1.The Secretary,
School Education Department,
St., Fort George, Chennai.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4.The Chief Educational Officer,
Kumbakonam,
Thanjavur District.

5.The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

6.The Correspondent,
Seventh Day Adventist
(Nursery and Primary School),
Dr. Moorthy Road,
Kumbakonam 1,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take necessary action in accordance with law against the 6th respondent school based on the representation of the petitioner dated 02.07.2011.

For Petitioner
For Respondents 1-4

:M/s.Anandan
:Mr.M.Alagadevan
Special Government Pleader.

For 5th Respondent
For 6th Respondent

: No appearance
: Mr.J.Anandkumar

**ORDER**

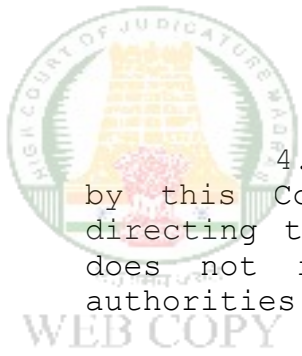
(Order of the Court was made by **R. SUDHAKAR, J.**)

This writ petition has been filed in public interest stating that the sixth respondent is running a school without following the procedures prescribed in law, that is to say, without approval by the competent authority and recognition by the Education Department.

2. In the affidavit filed in support of the writ petition, in paragraph - 6, details of the proceedings taken by the officials cancelling the building permission and the review filed by the sixth respondent which came to be dismissed, have been referred to. Paragraph - 6 reads as follows:

"I submit that while so the third respondent issued me a summon to myself and the sixth respondent asking to appear for an enquiry and I have also appeared and the third respondent had passed an order in Na.Ka.No.5782/08 A1 dated 24.07.2008 cancelling his building permission granted for the period 01.08.2007 to 31.07.2010. In submit the review filed by the sixth respondent before the third respondent was also dismissed vide Na.Ka.No.2918/09 A1 dated 22.06.2009. I submit even after the dismissal of the building plan and without the recognition from the educational authorities and also without the permission from the fifth respondent classifying the school building as unauthorised construction. The sixth respondent is running the school in the same premises till today which was endangers the school children hence I preferred a representation on 02.07.2011 to all the respondents through RPAD the same was duly received by the respondents. But till today, no action has been taken on the sixth respondents school and they have also not taken any steps to admit the students of the 6th respondent's school in any other recognised school.

3. Despite such action has been taken alleging that the school is being run unauthorisedly, the petitioner has filed the present writ petition and obtained an order of interim injunction on 16.08.2011. But the sixth respondent having appeared through counsel has not chosen to file counter affidavit denying such fact. They have also not chosen to produce the approval given by the school authorities or the planning permission obtained for the construction of school from the competent authority. It is therefore, evident that the sixth respondent school has not come forward to offer explanation with regard to the allegation made in the affidavit filed in support of this writ petition.



4. In such view of the matter, the interim order already granted by this Court stands confirmed. This writ petition is disposed of directing the authorities concerned to ensure that the sixth respondent does not run the school without proper approval by the competent authorities as required by law. No costs.

/True Copy/

Sd/-
Assistant Registrar (AS)

Sub Assistant Registrar

mj

To

1. The Secretary,
School Education Department,
St., Fort George, Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
4. The Chief Educational Officer,
Kumbakonam,
Thanjavur District.
5. The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

+1CC to Mr.B.Anandan Advocate Sr.No.59282
+1CC to Spl.Government Pleader Sr.No.59652

GJM/KBM/27.10.15-3P-8C

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