

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.1096 of 2013

and

M.P.Nos.1 and 2 of 2013

Catholic Christian Welfare
Association Pallavaram,
rep. by its General Secretary A.Sathiyaraj,
No.33, Ranganathan Street,
C-Pallavaram, Chennai-600 043. ... Petitioner

-vs-

1.The State,
rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Nungambakkam, Chennai-600 034.

3.The Chief Executive Officer,
St. Thomas Mount cum Pallavaram,
Cantonment Board,
St. Thomas Mount,
Chennai-600 016.

4.The Defense Estate Officer,
Ministry of Defense,
Defense Estate Office,
No.18/306, Anna Salai,
Thenampet, Chennai-600 018.

5.Assistant Engineer,
St. Thomas Mount cum Pallavaram,
Cantonment Board, St. Thomas Mount,
Chennai-600 016.

6.Manoharan

7.J.Boobalan

8.Rev.Fr.Jayaseelan,
Parish Priest,
St. Francis Xavier Church,
Rajendra Prasad Road, Pallavaram,
Chennai-43.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first and second respondent education authorities and third, fourth and fifth respondent cantonment authorities to protect and preserve the school play ground of St. Sabastian Matriculation Hr. Secondary School situated inside the St. Francis Xavier Church Campus located at Rajendra Prasad Road/Church Road at Cantonment Pallavaram, Chennai-43.

For Petitioner : Mr.R.Sankarappan
For Respondents : Mr.T.N.Rajagopalan
Spl. Govt. Pleader for R1 & R2
Mr.G.Masilamani
Senior Counsel
for Mr.Chevanon Mohan
for M/s.King & Patridge for R3 & R5
Mr.J.Madhanagopal Rao for R4
Mr.AR.L.Sundaresan
Senior Counsel
for M/s.A.L.Gandhimathi for R8

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned Senior Counsel appearing for the Cantonment Board/respondent No.3 and 5 submits that the building plans have been rejected and thus, no construction is possible. We also find from the order sheet that interim order was granted on 25.04.2013 restraining respondent No.8 from carrying on any construction.

2. The learned Senior Counsel for respondent No.3 and 5 states that respondent No.8 approached the District Munsif Court, Alandur and obtained status quo order (O.S.No.48 of 2013).

3. The learned Senior Counsel for respondent No.8 states that in view of the planning permissions having been rejected, undisputedly, no construction can be carried out and respondent No.8 once again seeks to approach the concerned authorities. He has also given an undertaking that respondent No.8 will not

carry on any construction, except with sanction. In so far as the civil suit is concerned, the learned Senior Counsel submits that the suit may be treated as having been withdrawn.

4. We take the aforesaid statement on record and the District Munsif Court, Alandur be informed accordingly. The order copy be sent to the District Munsif Court, Alandur.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2013 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Nungambakkam, Chennai-600 034.

3.The Chief Executive Officer,
St. Thomas Mount cum Pallavaram,
Cantonment Board,
St. Thomas Mount,
Chennai-600 016.

4.The Defense Estate Officer,
Ministry of Defense,
Defense Estate Office,
No.18/306, Anna Salai,
Thenampet, Chennai-600 018.

5.The Assistant Engineer,
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Cantonment Board, St. Thomas Mount,
Chennai-600 016

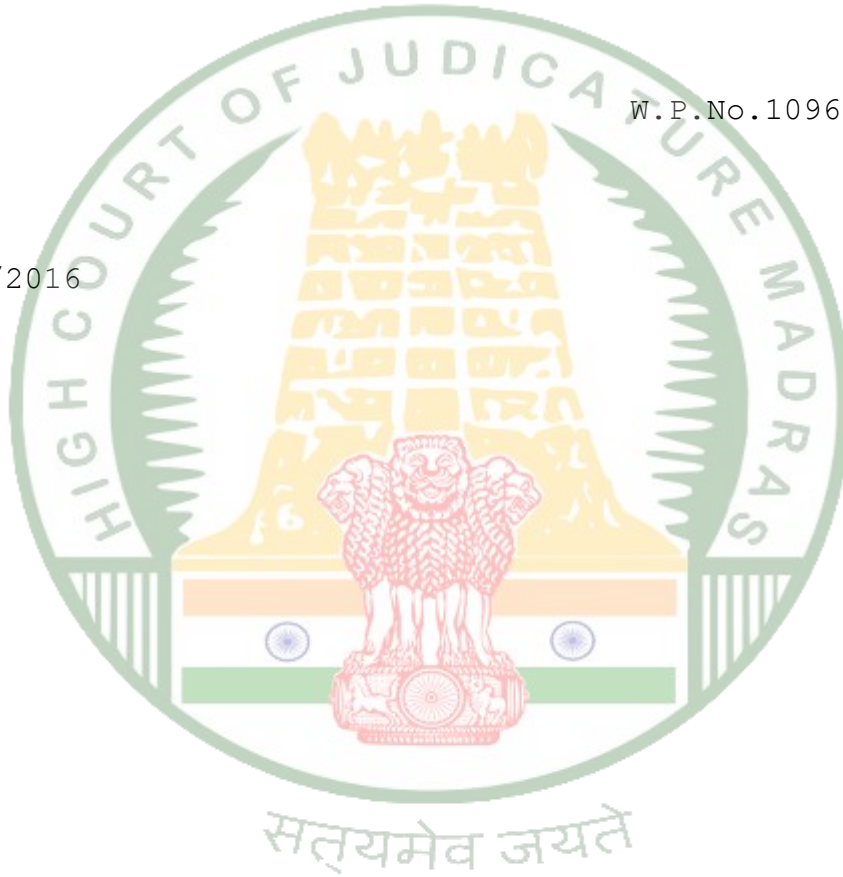
Copy to

The District Munsif,
Alandur.

+1cc to Mr.R.Sankarappan, Advocate SR.67556
+1cc to M/S.King & Patridge, Advocate Sr.67638
+1cc to the Government Pleader SR.67701

W.P.No.1096 of 2013

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srg 30/11/2016



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