

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.31129 of 2017
and
W.M.P.Nos.34144 & 34145 of 2017

Kathirvel

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Fort St George, Chennai - 600 009.

2.The State of Tamilnadu,
Rep. by its Secretary to Government,
Information and Public Relations Department,
Secretariat, Fort St George, Chennai - 600 009.

3.The District Collector,
Tirupur District.

4.The Principal,
Chikkanna Government Arts College,
College Road, Tirupur - 641 602.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from conducting the Government exhibition for 45 days in the open space earmarked for playground in the 4th Respondent College propagating the achievements and schemes of the Government.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.Vijay Narayan,
Advocate General
Assisted by Mr.T.M.Pappiah,
Special Government Pleader.

O R D E R

The petitioner has come before this Court, seeking writ of mandamus forbearing the respondents from conducting Government exhibition for 45 days in the open space earmarked for play ground in the 4th respondent College.

2.The case of the petitioner is that the Government is going to conduct exhibition for 45 days in the play ground of Chikkanna Government Arts College, Tirupur and if it is conducted, it will affect the academic atmosphere of the institution. Moreover, examinations are being conducted in the institution. There are two shifts in the college and the classes for second shift begins at 01.15 p.m and ends by 06.15 pm. Therefore, if the exhibition is sought to be conducted from 04.00 pm onwards, definitely it will affect the students, as they would be undertaking their examinations, Mr.K.C.Karl Marx, learned counsel for the petitioner would submit.

3.Mr.Vijay Narayan, learned Advocate General, assisted by Mr.T.M.Pappiah, learned Special Government Pleader would submit that arrangements have been made for conducting exhibition for the past two weeks and the exhibition has to commence from 02.12.2017 onwards. Therefore, he would submit that in the last minute, there cannot be any order restraining the respondents from conducting the exhibition.

4.Though the contention of the petitioner is true that the academic atmosphere in educational institution should not be disturbed, a perusal of the records would show that even on 23.11.2017 itself, it has been published in the newspapers that arrangements have been made for conducting exhibition and Pandhal have been put up and it is ready to be inaugurated on 02.12.2017. In the last minute, the petitioner could approached this Court. If the petitioner approached this court in time, the result could have been different.

5.Therefore taking into consideration, the interest of all the stakeholders, this Court passed the following order:

- (i)The exhibition could commence on 02.12.2017.
- (ii)Instead of 4.00 p.m, the exhibition should commence at 5.00 p.m.
- (iii)There should not be any usage of loudspeaker before 5.00 p.m.
- (iv)Proper traffic arrangement should be made, so that parking of vehicles can be regulated.
- (v)Slogans should not be raised by any of them inside the campus.
- (vi)After the exhibition, the play ground have to be levelled and it should be restored to its original position.
- (vii)If any of the trees have been cut for the purpose of

this exhibition, 25 trees have to be planted by the Government for every single tree that was cut down, in an effort to restore the green cover.

(viii) Since there are two grounds available to the institution and one play ground is not in usable condition, the respondents are directed to make it usable, within one month from the conclusion of the exhibition.

6. As already observed by this Court, any educational institution should be allowed to function as it is, without any interference from the Government. The academic atmosphere has to be maintained and should not be vitiated. If the Government intends to conduct any exhibition to demonstrate their achievement or whatever it may be, the same can be done anywhere else, except in educational institutions. Educational institutions are only for imparting education and no other activity should be undertaken either temporarily or permanently. Only the programmes with regard to education and incidental programmes alone could be undertaken in the temple of learning. Therefore, the respondents/Government is hereby directed not to conduct any programme except education related programmes in any of the educational institutions, whether it is school or college or university.

7. With the above directions, this Writ Petition is disposed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst. Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1. Secretary to Government,
Higher Education Department,
The State of Tamil Nadu,
Secretariat, Fort St George, Chennai - 600 009.

2. Secretary to Government,
Information and Public Relations Department,
The State of Tamilnadu,
Secretariat, Fort St George, Chennai - 600 009.

3. The District Collector,
Tirupur District.

4.The Principal,
Chikkanna Government Arts College,
College Road, Tirupur - 641 602.

+ 1 cc to Mr.K.C.Karl Marx Advocate,SR.85316
+ 1 cc to The Govt.Pleader, SR.86894

W.P.No.31129 of 2017

nr 22/12/2017



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