

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

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The Honourable Mr.Justice HULUVADI G.RAMESH,
and
The Honourable Dr.Justice S.VIMALA

W.A.NO.380 OF 2017 &
C.M.P.No.5807 of 2017

V.Palaniappan ..Appellant/Petitioner

versus

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.Geroge, Chennai-600 009.
 2. The Director of School Education,
DPI Campus,
Nungambakkam, Chennai-600 034.
 3. The Commissioner,
Corporation of Chennai,
Ripping Building, Chennai-600 003.
 4. The Gandhinagar Education Society,
rep. by its Secretary Mr.AR.Ramaswamy,
No.4, Crescent Avenue Road,
Gandhi Nagar, Adyar, Chennai-600 020.
 5. MAC Spin Foundation,
rep. by its Director,
Dr.AC.Muthaih,
having its registered at "South India House",
73(36-40), Armenian Street,
Chennai-600 001.
- ..Respondents/Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of the learned single Judge dated 08.03.2017 in W.P.No.29950 of 2016.

Prayer in W.P.No.29950 of 2016:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to inspect the school play ground admeasuring 5 Acres at Cresent park 1st Street Gandhinagar Adyar Chennai-20 and decide upon the nature of

utility of the play ground by the 5th Respondent and consequently, direction the 3rd respondent to remove the structure put up by the 5th respondent in the school play ground admeasuring 5 Acres at Cresent park, 1st Street, Gandhinagar, Adyar, Chennai-20.

For Appellant : Mr.T.Mohan for
Mr.R.I.Ramesh

For Respondent : Mr.K.Venkataramani,
Addl.Advocate Generalfor
P.V. Selvakumar for R3
Mrs.A.Srijayanthi, Spl.GP for R1 & R2
Mr.AR.L.Sunderasan, SC for
M/s.A.L.Gandhimathi for R4
M/S. Chitra Sampath for Sithirai
Anandam for R5.

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge dated 08.03.2017 in W.P.No.29950 of 2016.

2. It appears that the appellant who is none other than one of the Members of the Executive Committee of the 4th respondent society, was aggrieved by the unauthorized constructions said to have made by the 4th respondent in violation of Rule 9(ii)(jj) of the Tamil Nadu Recognized Private School (Regulation) Rules, 1974 as the play ground of the school was converted into a cricket play ground and pavilion by putting up unauthorized constructions.

3. The learned Judge having considered the matter in detail, primarily in respect of alleged unauthorized constructions in violation of above said Rule 9(ii)(jjj), directed the appellant to approach the second respondent and any such complaint is made, the second respondent was directed to take action in accordance with law and thereby, the issues in respect of alleged violation, made left open to be decided by the second respondent. However, as regards the action taken by the third respondent, the learned Judge has passed the following:

"10. As action has already been initiated by the third respondent on the complaint made by the petitioner, it is just and proper to permit the authority to conclude the above said proceeding. It is stated by the learned senior counsel appearing for the fourth respondent that a reply

has already been given in pursuant to the action taken by the third respondent. The fourth respondent is given a further period of four weeks to give a further reply. Thereafter, the third respondent shall conclude the proceedings on the complaint made by the petitioner based on the reply already given by the fourth respondent and to be given, within a period of six weeks. In the meanwhile, the orders passed by the third respondent on 22.08.2016, 07.09.2016 and 20.10.2016 would come into operation."

4. We do not find any infirmity in the above order passed by the learned Judge in order to interfere with the same. It is for the appellant to approach the second respondent as directed by the learned Judge and instead of doing so, the appellant has come forward with the present appeal. Therefore, in the event of the appellant approaching the second respondent by way of making a complaint/representation, the second respondent is directed to consider the same and do the needful in accordance with law without any further delay.

With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected CMP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

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+1cc to Mr.P.V. Selvakumar, Advocate Sr. 21750

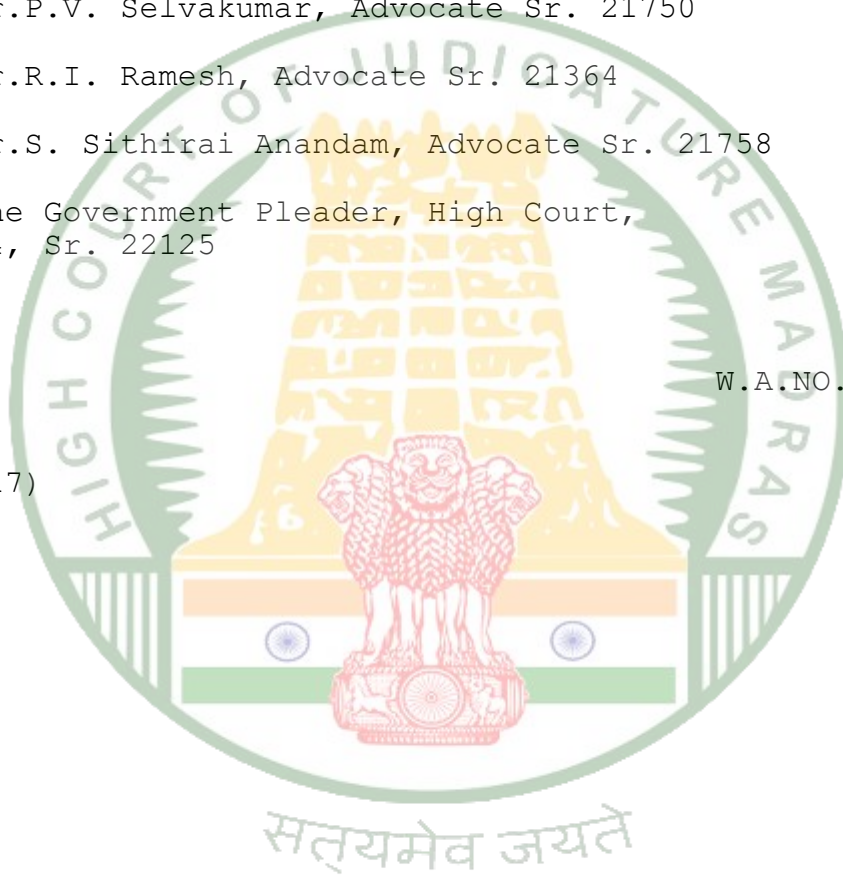
+1cc to Mr.R.I. Ramesh, Advocate Sr. 21364

+1cc to Mr.S. Sithirai Anandam, Advocate Sr. 21758

+1cc to the Government Pleader, High Court,
Madras-104, Sr. 22125

W.A.NO.380 OF 2017

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