



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **01.09.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16491 of 2017

M.C.C.Murugesan

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Director of Elementary Education.
College Road, Chennai - 6.

3.The Joint Director of Elementary Education.
(Aided Schools), Chennai - 6.

4.The District Elementary Educational Officer,
R.M.S. Road, Madurai - 625 001.

5.The Assistant Elementary Educational Officer,
Madurai South, Madurai - 625 001.

6.Devasagayam Chettiar Middle School,
Rep by its Secretary,
Senthil Kumar, S/o.Thilagar,
No.105 & 255, North Masi Street,
Madurai - 625 001.

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action to shift the sixth respondent school to some other place by vacating from the present building, in view of safety of the students studying in the said school within the period stipulated by this Court.

For petitioner

: Mr.N.Sathish Babu

For respondents 1to5

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

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The petitioner filed this Writ Petition in *pro bono publico* to direct the respondents 1 to 5 to close the educational



institution run by the sixth respondent, on the ground that the building is in a highly dilapidated condition.

2. The petitioner is, admittedly, the owner of the property. The building was given on lease to the sixth respondent by his sister. It is the case of the petitioner that the building is in a highly dilapidated condition and as such, there is likelihood of unfortunate incident, like the one, that took place at Kumbakonam.

3. There is, absolutely, no public interest involved in the present litigation. It is nothing but a private litigation, by giving the brand name "Public Interest Litigation". It is always open to the authorities to direct the sixth respondent to rectify the damages and make the building in a good condition. In any case, we do not find any reason to issue a Writ, at the instance of the petitioner. We, therefore, dismiss the Writ Petition. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Madurai District, Madurai.
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- 5.The Assistant Elementary Educational Officer,
Madurai South, Madurai - 625 001.

+1cc to M/S.N.SATHISH BABU, Advocate SR.No.75980

+1cc to Special Government Pleader, SR.No. 76230

nb

MAS/KK/SAR2:19.09.2017:2P-8C

ORDER MADE IN
W.P. (MD) No.16491 of 2017
01.09.2017