

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.10114 of 2018

A.C.Muthukkannan

.. Petitioner

-vs-

- 1.The Govt. of Tamil Nadu
Rep. By its Secretary to Govt.,
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Police,
Poonamallee High Road,
Vepery, Chennai-7.
- 3.The Directorate
Central Board of Secondary Education
(CBSE), New Delhi.
- 4.The Regional Manager,
Central Board of Secondary Education,
(CBSE), No.1630 A, 15th Main Road,
Anna Nagar West, Chennai 600 040.
- 5.The Director of Secondary Education,
DPI Complex, College Road,
Nungambakkam, Chennai 600 006.
- 6.The Principal,
Chinmaya Vidyalaya,
No.5063, Belly Area,
Anna Nagar, Chennai 600 040.
- 7.The Managing Trustee
Chennai Chinmaya Mission Trust,
13th Avenue, Harrington Road,
Chennai 600 031.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to appoint on permanent basis qualified personnel to control and regulate the traffic both during opening and closing time of the School run by the 6th and 7th respondents in all the Streets adjacent to the School at No.5063, Belly Area, Anna Nagar, Chennai, further forbearing the respondents 6 & 7 to run Primary classes in Premises No.297, Belly Area, Anna Nagar, Chennai and further direct the 3rd respondent to take action as per law against the 6th and 7th respondents for contrary statements submitted and getting approval.

For Petitioner : Mr.P.Rajamanickam

For Respondents : Mr.T.N.Rajagopalan
Govt. Pleader for RR 1 and 2

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O R D E R

(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition by way of public interest litigation has been moved seeking directions of this Court on the concerned respondents to control and regulate the traffic during the opening and closing time of Chinmaya Vidyalaya.

2.Control of traffic is basically an executive action. It is for the police authorities to take necessary steps in this matter. Learned Government Pleader submits on instructions that pursuant to an order dated 11th December, 2015, passed in W.P.No.38947 of 2015, the traffic police have been taking steps to control traffic. A duty schedule of policemen posted in the area has also been furnished to this Court.

3.The petitioner has also sought orders directing the school authorities to engage competent personnel to control and regulate the traffic. In the absence of any rules requiring a school to make arrangements for regulation of traffic, no such orders can be passed. Furthermore, Chinmaya Vidyalaya being a private school affiliated to the Central Board of Secondary Education (CBSE) is not amenable to the writ jurisdiction of this Court under Article 226 of the Constitution of India, except in relation to its constitutional / statutory duty of imparting education.

4.As observed above, some traffic arrangements have been made. It is not for this Court to adjudicate or supervise over

the traffic arrangements made by the concerned police authorities.

5.The petitioner has made out another grievance that is of the school running primary classes on the upper floors. It is also contended that the school has no playground. The playground, which was in existence, has been converted into a building. It is, however, not the case of the petitioner that the said building is without sanction.

6.From the tenor of the pleadings, it is patently clear that the petitioner has grievances against the school because of the traffic problems in the locality allegedly attributable to the running of the school.

7.The petitioner is not a guardian and this writ petition purportedly in public interest is more in the interest of the residents of the area, than in the interest of the student community as such. The school being affiliated to CBSE, it is for the CBSE to see that its rules and regulations are complied with.

The writ petition cannot be entertained and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Govt. of Tamil Nadu
Rep. By its Secretary to Govt.,
School Education Department,
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- 2.The Commissioner of Police,
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4.The Regional Manager,
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5.The Director of Secondary Education,
DPI Complex, College Road,
Nungambakkam, Chennai 600 006.

+1cc to Mr.V.Manoharan, Advocate, S.R.No.32520

+1cc to the Government Pleader, S.R.No.32255

W.P.No.10114 of 2018

SJ(CO)

RRK(15/05/2018)



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