

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4170 of 2018
and WMP.No.5119 of 2018

R.Samuel Selvaraj

.. Petitioner

vs.

1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai-600 006.

3.Mr.T.Premananda Perumal,
Principal,
Presidency College,
Chennai-600 005.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to restore the Arch in front of the Presidency College to original position by demolishing the unauthorized construction of arch having an extent of 60 x 30 feet height which is obstructing the scenic beauty and vantage position of the college getting cool breeze at all times.

For Petitioner

: Mr.R.Karunakaran

For Respondents

: Mr.T.N.Rajagopalan,
Government Pleader for R1

Mr.Munusamy,
Special Government
Pleader

for R2

ORDER

(Order of the Court was made by Ms.Indira Banerjee,
Hon'ble Chief Justice)

This writ petition filed by an Assistant Professor of Physics of the Presidency College, stated to be in public interest, is directed against the construction of an Arch at the entrance of Presidency College.

2. The Presidency College, which is 176 years old, is undoubtedly an institution with a great heritage and tradition and reputed personalities such as Dr.Radhakrishnan, Scientist Sir C.V.Raman, Dr.Chandrasekar have studied in the said institution.

3. The building, which houses Presidency College, is an impressive heritage building at the sea front, overlooking the sea. There can be no doubt that the heritage character of the building should be preserved and any additional construction or expansion should fit in with the heritage facade of the College. However, whether an Arch should be constructed or not is not a matter with which the Court can intervene in proceedings under Article 226 of the Constitution of India.

4. Our attention has also been drawn to certain annexures in the writ petition, which very clearly indicate that the petitioner has certain personal grievances by reason of his transfer from the college which might affect his research and has also put him into inconvenience, as his wife is a teacher of a reputed school at Chennai and his daughter is studying in an educational institution at Chennai.

5. We are not inclined, in exercise of jurisdiction under Article 226 of the Constitution of India, to interfere with the construction of an Arch or for that matter, with any further construction. However, there are certain allegations with regard to cleanliness, infrastructure etc. The respondents, in particular, the third respondent shall ensure that there are proper bathroom/washroom facilities and at any rate, cleanliness is maintained and shall also ensure that any addition/alteration is in conformity with the heritage rules of the Corporation.

6. It is submitted that as per the University Grants Commission Rules, name of the College is to be written in English as well.

7. Having regard to the great heritage of the institution, it is expedient that the entrance should have the name of the college, both in Tamil and also in English, so that visitors and others, who do not understand Tamil, can also recognize the institution from a distance.

8. With the above direction and observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

jvm

To:

1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai-600 006.

3.Mr.T.Premananda Perumal,
Principal,
Presidency College,
Chennai-600 005.

+ 1 cc to Mr.R. Karunagaran, Advocate sr.14986
+ 2 ccs to Mr.Government Pleader Sr.14799, 15337

GJ(CO)
EU(18/04/2018)

W.P.No.4170 of 2018

सत्यमेव जयते

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