

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.06.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.17851 of 2019

G.Govindaraj

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2. The Director of School Education,
DPI Complex, College Road, Chennai-6.

3. The Commissioner,
Corporation of Chennai, Chennai - 3.

4. The Principal and Administrator,
Little Flower English Medium School,
62nd Street, Ashok Nagar, Chennai-83

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 25.10.2018 and dispose of the same forthwith.

For Petitioner : Mr.K.Jayaraman

For Respondents: Mr.E.Manoharan (For R1 & R2)

Additional Government Pleader

O R D E R

(Order of this Court was made by S.Manikumar, J.)

Contending inter alia that lease granted to Little Flower English Medium School, Respondent No.4, has not been extended after 2000 and that the School is still functioning, without any lease, petitioner stated to have sent a representation dated 25.10.2018 to the Director of Matriculation School Education Department, Chennai and others to convert or to construct a Corporation Higher Secondary School for Boys, a community centre or public park or for the purpose of performing 16th day ceremony of death of a person.

2. District Revenue Officer (Land & Estate) Department, Greater Chennai Corporation, has sent a reply dated 29.11.2018 to the writ petitioner that for extension of lease, a letter has been sent to the Government.

3. Director of Matriculation School, Chennai, has sent a reply to the petitioner in R.C.No.6142/A3/2018 dated Nil.11.2018 by which he has been intimated that Chief Educational Officer, Chennai District, has been informed to take action on the petition dated 26.10.2018.

4. Contending inter alia that no action is taken on the representation, instant writ petition is filed for a direction to the respondents to consider the representation dated 25.10.2018 and dispose of the same forthwith.

5. In addition to the above, Mr.K.Jayaraman, learned counsel appearing for the writ petitioner submitted that closure of school and conversion of Corporation Higher Secondary School, would benefit students belonging to Scheduled Castes and Scheduled Tribes and poor students.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. From the averments and materials considered, it could be deduced that Little Flower English Medium School, Chennai, Respondent No.4, has been granted lease from 1980 onwards. From the letter dated 18.11.2006 of the Divisional Officer, Division No.6, Corporation of Chennai, addressed to the petitioner, it could be deduced building plan No.414/1983 dated 28.03.1985 has been sanctioned by Chennai Corporation, to Little Flower English Medium School. The total extent of the School is 12 grounds and 1575 sq.feet. There are parking facilities in the school and play ground.

8. Claiming himself to be a public interest litigant, petitioner has sent a representation dated 25.10.2018 to the Director of Matriculation Schools, Chennai and others stating that extension of lease should not be granted and that the place should be converted as Corporation Higher Secondary School, community halls, park, or for a place to conduct 16th Day ceremony.

9. Petitioner has no constitutional or statutory right to seek for conversion of the subject place as park or as community hall. Petitioner has no right to seek for cancellation of lease, where a school is running for nearly 20 years. There is absolutely no public interest in this writ petition.

10. Added further, District Revenue Officer (Land & Estate) Department, Greater Chennai Corporation has sent a reply under the Right to Information Act, 2005 in R.C.No.LE4/3236/2018 dated 29.11.2018, to the writ petitioner stating that for extension of lease, Government have been addressed. Accordingly, in RC No.6142/A3/2018 dated Nil.11.2018, Director of Matriculation Schools, Chennai, has sent a reply to the writ petitioner stating that the petition dated 26.10.2018 has been sent to the Chief Educational Officer, Chennai District.

11. Inasmuch as action has been taken on the representation of the petitioner dated 26.10.2018, the same has to come to a logical end. Therefore, the Chief Educational Officer, Chennai District, is directed to send an appropriate reply to the writ petitioner, within a period of three weeks from the date of receipt of a copy of this order.

12. When Mr.K.Jayaraman, learned counsel for the petitioner was posed with a question as to whether he has ascertained as to how many scheduled castes, scheduled tribes and poor students have been admitted to Little Flower English Medium School in compliance with the statutory provisions of the Right of Children to Free and Compulsory Education Act, 2009, he has no answer to that. Except making oral submissions that conversion of the school into a Higher Secondary Corporation School, would benefit students belonging to scheduled castes, scheduled tribes and poor students, no materials have been placed before this Court to substantiate that Little Flower English Medium School, does not cater to the needs of children belonging to neighbourhood or social and economically weaker section. Affidavit filed in support of the writ petition does not support the oral contentions. Writ petition does not satisfy the requirement of a Public Interest Litigation. Hence, the instant writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 9.

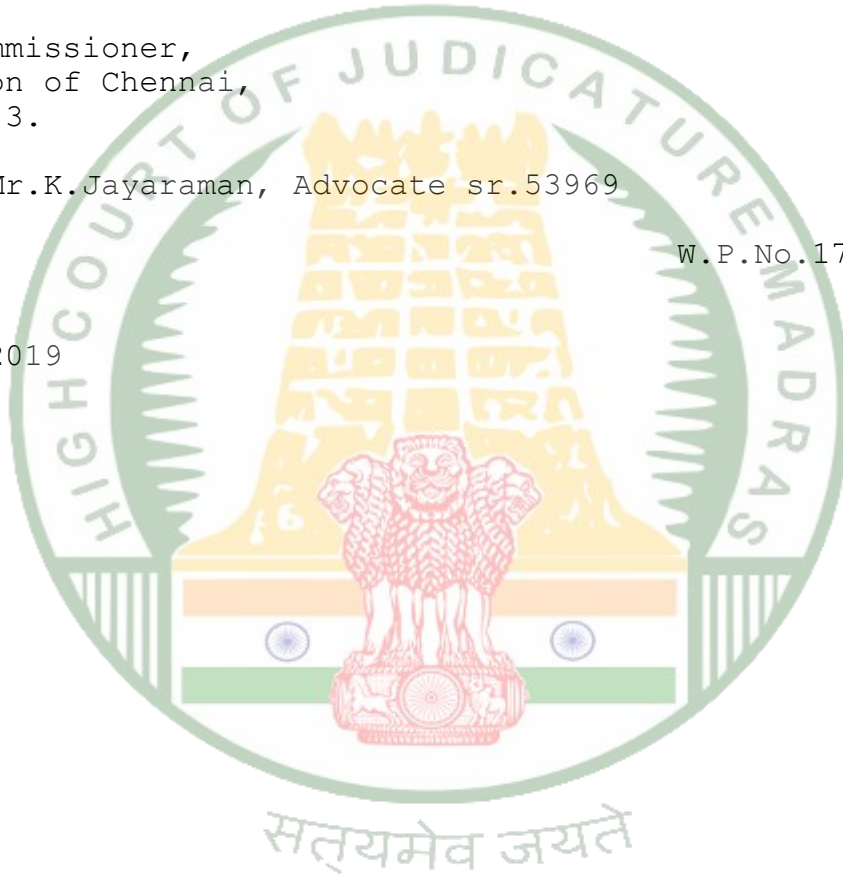
2. The Director of School Education,
DPI Complex, College Road,
Chennai-6.

3. The Commissioner,
Corporation of Chennai,
Chennai - 3.

+lcc to Mr.K.Jayaraman, Advocate sr.53969

W.P.No.17851 of 2019

ssd(co)
nr 23/07/2019



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