

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.14001 of 2018
& W.M.P.No.16533 of 2018

Sri Renugambal Nursery & Primary School,
Rep. by its Correspondent Thiru. K.K.Appadurai,
D.No.22, Diversion Road, Polur Taluk,
Thiruvannamalai District- 606 803. ... Petitioner

/verus/

1. The Chief Educational Officer,
Thiruvannamalai District.
2. The District Elementary Educational Officer,
Thiruvannamalai.
3. The Executive Engineer,
TANGEDCO, Polur,
Thiruvannamalai. ... Respondents

R3 impleaded, vide Court Order dated 02.07.2018 in W.M.P.No.17370 of 2018 in W.P.No.14001 of 2018 & W.M.P.No.16533 of 2018 by SVNJ.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records relating to the 1st respondent order made in Na.Ka.No.1714/Aa4/2010 dated 28.05.2018 and that of 1st respondent order made in Na.Ka.No.1417/Aa4/2010 dated 31.05.2019 to quash the same and to consequently direct the respondents to forthwith grant renewal of recognition and to grant approval for the petitioner's School to run Nursery and Primary Sections at No.22, Diversion Road, Polur, Thiruvannamalai District.

For Petitioner : Mr.D.Rajagopal

For R1 & R2 : Mrs.V.Annalakshmi
Government Advocate

For R3 : Mr.M.Varun Kumar

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondents.

2. The representation of the Petitioner Institute seeking approval from the Education Department being denied due to passing of High Tension Wire runs close to the petitioner building. On hearing the Learned Counsel appearing for the Education Department, it is submitted that unless and until the TANGEDCO gives clearance for the building, they cannot grant approval since it involves safety of the young children studying in the Institute.

3. The Learned Standing Counsel appearing for the TANGEDCO would submit that there is a statutory minimum clearance requirement for any building to be constructed close to High Tension Wire.

4. As far as the petitioner Institute is concerned, it was constructed after erection of the Tower and it is very close to the High Tension Wire. The Learned Counsel for the petitioner states that if the TANGEDCO specifies the minimum required clearance, they are ready to remove the structure, as per the requirement of the TANGEDCO. In such circumstances, the Writ Petition is disposed of, with following directions.

(i). The Officials of TANGEDCO shall inspect the petitioner premises and mark the building to the extent required for clearance and the petitioner shall remove the structure and give adequate clearance under the statute and get clearance certificate from the Officials of the TANGEDCO.

(ii). The Department of School Education, Officials, Thiruvannamalai, shall unseal the Petitioner Institute to enable the petitioner and the TANGEDCO to conduct the inspection of the building and mark the clearance limit.

(iii). The Officials of the Education Department, Thiruvannamalai, on receipt of "No Objection Certificate" from TANGEDCO, shall grant approval to the Institute, subject to fulfilment of the other conditions. The said process shall be completed within a period of eight week, from the date of the petitioner obtaining clearance certificate from the TANGEDCO.

5. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To,

1. The Chief Educational Officer,
Thiruvannamalai District.
2. The District Elementary Educational Officer,
Thiruvannamalai.
3. The Executive Engineer,
TANGEDCO, Polur,
Thiruvannamalai.
4. The Department of School Education and Officials,
Thiruvannamalai.

+lcc to Mr.M.Varun Kumar, Advocate sr.68020
+lcc to Mr.d.Rajagopal, Advocate sr.67681
+lcc to Government Pleader sr.68091

W.P.No.14001 of 2018

rj(co)
nr 08/08/2019

WEB COPY