

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.33853/2019 & WMP.No.34374/2019

P.Kalai Mani

...

Petitioner

Versus

1.The District Collector
Thiruvarur District,
Thiruvarur 610 001.

2.The Superintendent of Police
Thiruvarur District, Thiruvarur.

3.The National Commission for Scheduled Caste
State Office, Chennai [Tamil Nadu & Puducherry]
Shastri Bhavan, 2nd Floor [Block-5]
Chennai 600 006.

4.St.Anthony's Matriculation Higher Secondary School
rep.by the Correspondent, Arasal adi Street
Thiruvarur Road, Thiruthuraipoondi.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st and 2nd respondents to strictly implement the order of the 3rd respondent dated 15.02.2018 and thereby stop the 4th respondent from plying its school buses and vans on the road earmarked for the families belonging to Scheduled caste families, dwelling at S.No.133/1A measuring around 0.50 Ares situated at Thiruthuraipoondi.

For Petitioner : Mr.T.Ramesh

For RR 1 & 2 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.
- (2) The writ petition is styled as a Public Interest Litigation filed by a resident of Arasal Adi Dravidar Street, Thiruthuraipoondi, Thiruvarur District and in the affidavit filed in support of this writ petition, would aver among other things that he belongs to Scheduled Caste Community and the people belonging to Scheduled Caste and Scheduled Tribe, are residing at S.No.133/1A of Thiruthuraipoondi of Thiruvarur District and as per the 'A' Register, the said land has been shown as 'Adi Dravidar Colony Nilaviyal Punjai' and as such, people belonging to the said Colony alone are entitled to use the said Road for ingress and egress to the main road.
- (3) The petitioner expressed the grievance that the 4th respondent is running a School nearby and started using the 12 feet road of North South located in the said Colony for plying school buses and vans and as a consequence, the residents are put to innumerable hardship and difficulty.
- (4) The 4th respondent herein has also filed WP.No.13016/2018 on the file of this Court against the official respondents as well as against the writ petitioner herein who was arrayed as the 6th respondent therein, praying for issuance of a writ of mandamus, directing the official respondents 1 to 3 to remove the encroachment made by the 6th respondent therein / writ petitioner herein and to initiate appropriate legal action against them and consequently, forbearing the 6th respondent therein / writ petitioner herein from unlawfully interfering with or in any manner, prohibiting the school students, parents, vehicles and school vehicles from using the 30 feet Arasaladi Street and pass such further or other order.
- (5) The writ petition was entertained and pending disposal of the same, a Division Bench of this Court, vide order dated 30.05.2018, made in WMP.No.15295/2018 in WP.No.13016/2018, has granted an order of status quo, as on that date, to be maintained by both parties with a further direction, directing the official respondents 1 to 5 therein, to maintain law and order situation in the area concerned.
- (6) The learned counsel for the petitioner would submit that the petitioner in this regard, had also approached the 3rd respondent / Commission, viz., National Commission for Scheduled Caste State Office - a Constitution Body set up under Article 338 of the Constitution of India, and the said Commission has passed an order dated 15.02.2018 and the Hon'ble

Vice Chairman of the said Commission desired that the School vehicles have to be stopped outside the Scheduled Caste area and the children can be allowed to walk through the Scheduled caste area for this academic year only and the arrangements are to be made by the School Management and despite the 4th respondent / School herein is aware of the said fact, it had deliberately suppressed the said fact and obtained interim orders in WP.No.13016/2018 and therefore, the writ petitioner herein is constrained to approach this Court by filing the present writ petition styled as a Public Interest Litigation, to implement the order of the National Commission for Scheduled Caste State Office, Chennai dated 15.02.2018 and pending disposal of the writ petition, also prayed for ad-interim injunction, restraining the 4th respondent/School from plying the school buses and vans on the Arasaladi Street, leading to the 4th respondent / School.

- (7) This Court has carefully considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (8) It is an admitted fact that the 4th respondent / School, on an earlier occasion, filed WP.No.13016/2018 against the official respondents as well as against the writ petitioner herein, who is arrayed as the 6th respondent in the said writ petition, praying for issuance of a writ of mandamus, seeking the relief, the details of which, have been extracted in the earlier paragraphs and pending disposal of the writ petition, also obtained an order of status quo on 30.05.2018.
- (9) The fact remains that the interim order is subsisting and it is also brought to the knowledge of this Court that the writ petitioner herein, who is arrayed as the 6th respondent in WP.No.13016/2018, has also filed a counter affidavit in the said writ petition.
- (10) The primordial submission made by the learned counsel for the petitioner is that in the light of the Minutes of the 3rd respondent / Commission, viz., the National Commission for Scheduled Caste State Office, Chennai, dated 15.02.2018, the plying of school buses inside the Scheduled Caste area is to be prevented. The said order is made available at page No.17 of the typed set of documents and from that order, it is not clear as to whether the 4th respondent herein / School has been put on notice or not?
- (11) If this writ petition is entertained and the prayer for interim relief is considered, it would negate the interim order of status quo passed by the Division Bench of this Court dated 30.05.2018 in WP.No.13016/2018 and WMP.No.15295/2018 and being the Coordinate Bench, this Court cannot pass any such order. It is not as if the petitioner is left with no other remedy for the reason that the petitioner has also filed a counter affidavit dated July 2018 in WP.No.13016/2018 and it is open to him to bring it to the knowledge of the Court, at the time of

hearing of WP.No.13016/2018 as to the alleged suppression of the order/Minutes dated 15.02.2018 of the National Commission for Scheduled Caste State Office, Chennai.

(12)The petitioner is having every right to urge his defence in the pending writ petition in WP.No.13016/2018 as he being the 6th respondent therein and therefore, the present writ petition is not maintainable.

(13)In the result, the writ petition is dismissed at the admission stage itself, granting liberty to the petitioner herein / 6th respondent in WP.No.13016/2018, to put forth his case for defence in the said writ petition by filing additional counter affidavit with supporting documents. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvarur District,
Thiruvarur 610 001.
- 2.The Superintendent of Police
Thiruvarur District, Thiruvarur.
- 3.The National Commission for Scheduled Caste
State Office, Chennai [Tamil Nadu & Puducherry]
Shastri Bhavan, 2nd Floor [Block-5]
Chennai 600 006.
- 4.The Correspondent,
St.Anthony's Matriculation Higher Secondary School
Arasal adi Street
Thiruvarur Road, Thiruthuraipoondi.

+1cc to the Government Pleader Sr.101644 and 101647
+1cc to Mr.T.Ramesh, Advocate Sr.101240

WP.No.33853/2019

ssd[co]
srg 20/01/2020