

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.26830 of 2018

Legal Awareness and
Anti Corruption Organization,
rep by its Founder
Najil K.Krishnan
No.363, Gandhi Road,
Periyar Colony,
Tiruppur - 641 652.

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Assistant Commissioner,
Corporation of Tiruppur,
Tiruppur - 642 652.
3. The Deputy Director,
Town and Country Planning,
Tiruppur.
4. The Chief Educational Officer,
Office of the District Collector Complex,
Palladam Salai, Tiruppur - 641 604.
5. The Inspector of Matriculation Schools,
Office of the Inspector of Matriculation Schools,
Chief Educational Officer, Erode - 1.
6. The Correspondent,
Kongu Velalar Matriculation Higher
Secondary School,
Angeripalayam Road,
Gandhi Nagar (Post),
Tiruppur - 641 603.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 & 2 to demolish the unauthorized and illegal construction put up by the 6th respondent viz., Kongu Velalar Matriculation Higher Secondary School situated at Angeripalayam Road, Gandhi Nagar (Post), Tiruppur - 641 603 pursuant to the representation of the petitioner dated 07.12.2017.

For Petitioner : Mr.A.Damodaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 & R3)

Mr.Silambanan, Senior Counsel
for Mrs.P.Shanthi (R2)

Mr.AR.L.Sundaresan, Senior Counsel
for Mr.A.Saravanan (R6)

Mr.C.Munusamy (R4 & R5)

O R D E R

(Order of the Court made by M.DURAI SWAMY,J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents 1 & 2 to demolish the unauthorized and illegal construction put up by the 6th respondent viz., Kongu Velalar Matriculation Higher Secondary School situated at Angeripalayam Road, Gandhi Nagar (Post), Tiruppur - 641 603 pursuant to the representation of the petitioner dated 07.12.2017.

2.In paragraph - 6 of the affidavit filed in support of the Writ Petition, the petitioner viz., Nanjil K.Krishnan himself has stated that one A.Palanikumar had approached him to send a representation to the official respondents and accordingly, he sent a representation to the official respondents on 07.12.2017 requesting them to demolish the unauthorized construction put up by the 6th respondent School. Even in paragraph - 3 of the affidavit filed in support of the petition, the petitioner has stated that A.Palanikumar had given a complaint to the 1st respondent on 03.03.2017 about the illegal additional construction put up by the 6th respondent without getting planning permission. In paragraph - 5, the petitioner has stated that no action was taken on the complaint of A.Palanikumar and therefore, the said Palanikumar sent another representation to the 1st respondent on 05.06.2017.

3.From the reading of the averments stated in the affidavit filed in support of the Writ Petition, it is clear that the petitioner, who has filed the Writ Petition as Public Interest Litigation is only canvassing the cause of the said A.Palanikumar.

4.In the counter of the 6th respondent, the Correspondent of the School has stated that the said A.Palanikumar, who happens to be a friend of the petitioner, had applied for grant of admission to his son Gandhiji under the provisions of the Right to Education Act for free seat on 03.05.2016 and the students were selected by conducting drawal of lots. Since the name of A.Palanikumar's son was not drawn while the lots were drawn, the said Palanikumar sent a representation to the 5th respondent to conduct inspection on 02.06.2016. After conducting inspection, the 5th respondent was satisfied that the 6th respondent had filled upto 25% of the free seats in a right manner. Thereafter, under compulsion, the 6th respondent granted admission to Palanikumar's son under free seat and the 5th respondent directed him to pay the cost of books, as tuition fees alone is reimbursed by the Government. However, the said Palanikumar was not satisfied with the direction given by the 5th respondent to pay the tuition fee, hence he started giving trouble to the 6th respondent - School. Now, the petitioner has filed the Writ Petition on behalf of the said A.Palanikumar against the 6th respondent. For the reasons best known to the said Palanikumar, he has not filed any Writ Petition, instead he engaged the petitioner to file the Writ Petition as a Public Interest Litigation.

5.From the reading of the averments stated in the affidavit filed in support of the Writ Petition, we do not find any public interest involved in the Writ Petition and the petitioner is only canvassing the cause of a 3rd party viz., A.Palanikumar.

6.In these circumstances, we are not inclined to entertain the Writ Petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

va

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

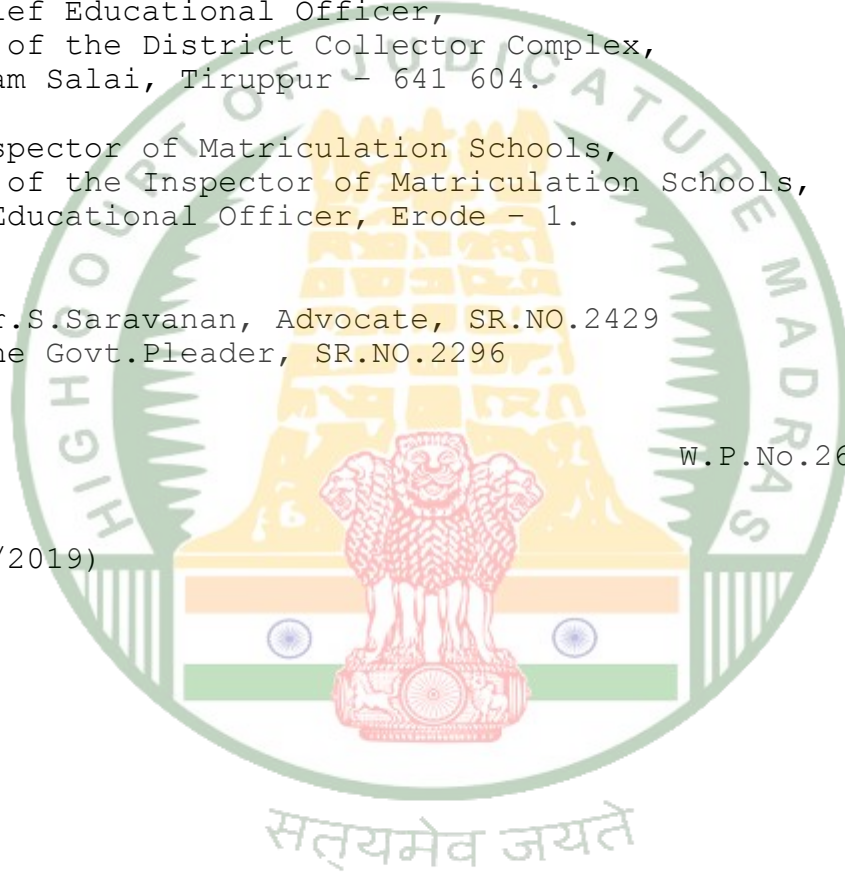
To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Assistant Commissioner,
Corporation of Tiruppur, Tiruppur - 642 652.
3. The Deputy Director,
Town and Country Planning, Tiruppur.
4. The Chief Educational Officer,
Office of the District Collector Complex,
Palladam Salai, Tiruppur - 641 604.
5. The Inspector of Matriculation Schools,
Office of the Inspector of Matriculation Schools,
Chief Educational Officer, Erode - 1.

+1cc to Mr.S.Saravanan, Advocate, SR.NO.2429
+1cc to the Govt.Pleader, SR.NO.2296

W.P.No.26830 of 2018

nm(CO)
kak(07/02/2019)



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