



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.11491 of 2019

and

W.M.P. (MD) No.8762 of 2019

N.Kamalan

... Petitioner

Vs.

1) The District Collector,
Kanyakumari District.

2) The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3) The District Educational Officer,
Nagercoil, Kanyakumari District.

4) The Head Master,
Government Higher Secondary School,
Arumanai, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents herein, their men, agents or any one claiming under them from in any manner from commencing construction in the dug up pit in the play ground of 4th respondent school and consequently direct the respondents herein to put up construction in the vacant place situated in the 4th respondent school campus except school play ground.

For Petitioner	: Mr.Thayumanaswamy
For R1	: Mr.A.K.Baskarapandian, Special Government Pleader
For RR 2 to 4	: Mrs.S.Srimathy, Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner has brought to the notice of this Court, the thoughtless decision taken by the Authority in proposing to construct a classroom building by encroaching into the area reserved for play ground.



2. Though the respondents may justify their action by stating that, so much of land is not required for play ground, considering the achievements done by the School and the contribution of the School towards sports, the Authorities are bound to act with utmost sensitivity in the matter. Adequate thought process had gone when the school was established in the year 2015 and sufficient land was made available. Sufficient thought process was undertaken when the school was established. In such circumstances, we are of the considered view that the playground area should not be in any manner used for the purpose of putting construction of classroom or for putting up any other construction.

3. We are not advocating the principle that additional construction should not be put up because, if the students strength demands for additional construction, then necessary construction has to be put up, especially, when it is a Government Higher Secondary School. Therefore, we direct the District Collector to immediately ensure that the pits that have been dug up for putting the foundation are closed and appropriate technical report may be obtained and proposal can be made for the construction of first floor in the existing school building. If it is not feasible, then adequate foundation can be laid in the ground floor to support the first and second floor construction. One more option is given to the respondents to put up the construction in any other vacant place, which is situated in the school campus without encroaching or putting up construction in the play ground area.

4. Accordingly, with the above observations, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.8762 of 2019 is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The District Collector,
Kanyakumari District.
- 2) The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 3) The District Educational Officer,
Nagercoil, Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



4) The Head Master,
Government Higher Secondary School,
Arumanai, Kanyakumari District.

+1 CC to Mr.H. THAYUMANASWAMY, Advocate (SR-90747[F] dated
01/10/2019)

+1 CC to SPL GP (SR-90881[F] dated 01/10/2019)

+1 CC to Mr.A.K. BASKARAPANDIAN, Advocate (SR-13875[D] dated
21/10/2019)

Order made in
W.P. (MD) No.11491 of 2019
30.09.2019

sts

VB(24.10.2019) 3P 8C