



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.18560 of 2017

in

W.M.P.(MD)No.14949 of 2017

M.C.C.Murugesan

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Director of Elementary Education,
College Road,
Chennai-6.

3.The Joint Director of Elementary Education,
(Aided Schools)
Chennai-6.

4.The District Elementary Educational Officer,
R.M.S.Road, Madurai - 625 001.

5.The Assistant Elementary Educational Officer,
Madurai South, Madurai- 625 001.

6.Devasagayam Chettiar Middle School,
represented by its Secretary,
Senthil Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 5 to take appropriate steps to restrain the 6th respondent's school to function at No.105 & 255, North Masi Street, Madurai 625 001, which is violating the basic rules and regulations of the government to run a school and thereby transfer all the students of the sixth respondent school to some other school by vacating from the present building in view of safety of the students studying in the said school within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For R1 to R5 : Mrs.S. Srimathy

Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is the landlord of the building in which the sixth respondent school is functioning. The case of the writ petitioner is that the sixth respondent must be restrained from running the school in the petition mentioned building, because the

building is not structurally sound and is rather dilapidated.

3.The counter affidavit filed by the Education Department appears to confirm the allegations made by the writ petitioner. If that be so, the Education Department must take an emergent step in this regard.

4.This Court had appointed an Advocate Commissioner and the report of the Commissioner is not quite flattering. The fourth respondent shall take note of the Commissioner's report and issue appropriate proceedings within a period of two weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District,
Madurai.

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Chennai-6.

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(Aided Schools)
Chennai-6.

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+1cc to Mr.N.SATHISH BABU, Advocate, SR.No.58294

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