



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
and
THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.25071 of 2019
and
W.M.P (MD) .No.21671, 21672 and 21673 of 2019

G.Danial

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Chief Educational Officer,
Thallakulam,
Madurai.
- 4.The District Educational Officer,
(Madurai Educational District),
Thallakulam, Madurai.
- 5.The District Educational Officer,
(Melur Educational District),
Melur, Madurai District.
- 6.The Social Welfare Department,
rep., through its Welfare Officer,
Plot No.35, East 2nd Cross Street,
K.K.Nagar, Madurai.
- 7.The Head Mistress,
D.M.R.Girls High School,
North Masi Street,
Madurai.



8.The Head Master,
American College School,
Madurai.

9.The Dean,
Christian Mission Hospital,
East Veli Street,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct respondents 1 to 5 to take necessary action against the respondents 7 to 9 for causing risk to the life of students by making them stay in the 9th respondent hospital campus and consequentially direct the respondents 3 to 5 to monitor the amenities, safety measures taken by the school management at Madurai District on the basis of the petitioner's representation dated 06.11.2018.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.M.Murugan

Government Advocate (for R1)

Mr.T.S.Mohammed Mohaideen (for R2)

Mrs.S.Srimathy

Special Government Pleader (for R3 to R5)

Mr.Ajmal Khan

Senior Counsel (for R6 to R7)

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate for the first respondent, Mr.T.S.Mohammed Mohaideen, learned counsel for the second respondent, Mrs.S.Srimathy, learned Special Government Pleader for the respondents 3 to 6 and Mr.Ajmal Khan, learned Senior Counsel for the respondents 7 to 9.

2.The petitioner has filed this petition styled as Public Interest Litigation seeking a direction to the respondents 1 to 5 to take necessary action against the respondents 7 to 9 for causing risk to the life of students by making them stay in the 9th respondent hospital campus and consequently, direct the respondents 3 to 5 to monitor the amenities, safety measures taken by the School Management at Madurai District, on the basis of the petitioner's representation, dated 06.11.2018.



3.Mr.Ajmalkhan, learned Senior counsel accepting notice for the private respondents 7 to 9, submitted that there is absolutely no *bona fide* on the part of the petitioner to file this writ petition as he is a member of the organisation and action has been initiated against him and notice has been issued and he is in the habit of making complaints to various authorities, which are frivolous complaints.

4.This aspect of the matter appears to have not been denied. Therefore, we are not inclined to entertain this writ petition. If the ground reality as shown in the photographs are correct, then the private respondents should take immediate step to remove the garbage and keep the area clean, though the buildings are not occupied and though the students are not accommodated in the said building.

5.The learned Senior Counsel submits that within two months, new facilities will be created. It is for the private respondents to take care of the students, but we ensure that the campus, though some of the buildings are not in use, should be treated free from garbage and debris. The learned Senior Counsel assures the Court that he will instruct his client to take necessary steps in this regard.

6.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Collector Office, Madurai.
- 2.The Chief Educational Officer,
Thallakulam,
Madurai.
- 3.The District Educational Officer,
(Madurai Educational District),
Thallakulam, Madurai.
- 4.The District Educational Officer,
(Melur Educational District),
Melur, Madurai District.



5.The Social Welfare Officer,
Social Welfare Department,
Plot No.35, East 2nd Cross Street,
K.K.Nagar, Madurai.

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-101392[F] 26/11/2019)
+1 CC to M/s.R.G. SHANKAR GANESH, Advocate (SR-101996[F] 28/11/2019)
+1 CC to M/s.Special Govt.Pleader (SR-102363[F] dated 28/11/2019)

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rmk

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