

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.8744 of 2020 and
WMP.Nos.10606, 10624 and 10627 of 2020

Jothi High School,
rep.by its Secretary
D.Sekar, Nellurpet,
Gudiyatham, Vellore District.

...Petitioner

Vs.

1.The Secretary to the Government,
Home Department, Secretariat, Chennai

2.The Director General of Police,
Santhome, Chennai.

3.The District Collector,
Vellore District, Vellore.

4.The Superintendent of Police,
Vellore District, Vellore

5.The Tahsildar, Gudiyatham Taluk,
Gudiyatham, Vellore District.

6.The Revenue Divisional Officer,
Gudiyatham Taluk.
Gudiyatham, Vellore District.

7.The Deputy Superintendent of Police,
Gudiyatham, Vellore District.

8.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 5 to initiate action against the respondents 7 and 8 for inaction and dereliction of their duties on the occurrence of which took place on 22.02.2020 for illegally demolishing the school building and injuring 15

students of 10th Standard in Jothi Government Aided Higher Secondary School situated at West Mada Street, Nellurpet, Gudiyatham, Vellore District.

For Petitioner : Mr.C.Mohanasundaram
For Respondents : Mr.R.Vijayakumar, Addl.Govt.Pleader

O R D E R

Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself, through Video Conferencing.

2.The facts of the case are as follows:

The petitioner School was started with the approval of the Government and is more than 60 years old. They have taken lands in S.No.241, belonging to Bala Sarduleeswarar Thirukoil and Dhakshnamoorthy Mutt on lease for the purpose of playground, etc. and they have raised compound wall, besides constructing a noon meal centre, for the welfare and safety of the students. While so, on 22.02.2020 a group of persons trespassed into the school premises and started to demolish the compound wall and noon meal centre. During the said occurrence, 15 students of Class 10 were injured. With respect to the same, the petitioner lodged a complaint to the eighth respondent on 22.02.2020 and thereafter to the seventh respondent on 23.02.2020. Finding no response from either of the respondents 7 and 8, they made a complaint dated 24.02.2020 to the fourth respondent, who intturn, directed the eighth respondent to register the FIR. Even thereafter, no action was taken on the said complaint, which compelled the petitioner to approach this Court by filing Crl.OP.No.5627 of 2020, seeking a direction to the eighth respondent to register the complaint dated 22.02.2020 and investigate the matter. By order 11.03.2020, the said petition was disposed of, granting liberty to them to work out their remedy in accordance with the guidelines issued by the Division Bench of this Court in Crl.OP(MD) No.13681 of 2018 etc batch of cases, dated 20.09.2018. However, no case was registered and no enquiry was conducted. Since the respondents 7 and 8 have wantonly and deliberately failed to discharge their duties, the petitioner submitted a representation on 14.03.2020 to the respondents 1 to 5 to take action against them and the said representation is pending without any consideration. Therefore, the petitioner has preferred this writ petition seeking appropriate direction to the respondent authorities.

3.Heard both sides and perused the documents placed before

this Court.

4. Considering the limited nature of the relief sought herein, this Court, without going into the merits of the case, directs the respondent authorities to consider the representation dated 14.03.2020 made by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to all the parties, within a period of four weeks from the date of uploading the copy of this order in the web site.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Secretary to the Government,
Home Department, Secretariat, Chennai.
2. The Director General of Police, Santhome, Chennai.
3. The District Collector, Vellore District, Vellore.
4. The Superintendent of Police, Vellore District, Vellore
5. The Tahsildar, Gudiyatham Taluk, Gudiyatham, Vellore District.
6. The Revenue Divisional Officer, Gudiyatham Taluk.
Gudiyatham, Vellore District.
7. The Deputy Superintendent of Police,
Gudiyatham, Vellore District.
8. The Inspector of Police, Gudiyatham Town Police Station,
Gudiyatham, Vellore.

W.P.No.8744 of 2020

MR(CO)

KKV/18/08/2020