

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2020

Coram:

The Honourable Mr.Justice M.M.SUNDRESH
and
The Honourable Mr.Justice KRISHNAN RAMASAMY

W.P.No.28711 of 2019
and W.M.P.No.28466 of 2019

1.R.B.Adhigamutharasi (Minor)
2.A.E.Baskaran

...Petitioners

Versus

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 2014,
Tiruvallur District.
- 3.The Tahsildar,
Ponneri Taluk Office,
Ponneri - 601 204,
Tiruvallur District.
- 4.The Director,
Elementary Education Department,
DPI Complex, College Road,
Nungambakkam, Chennai - 600 006.
- 5.The Chief Educational officer,
Tiruvallur District, Tiruvallur - 602 001.
- 6.The District Educational Officer,
Ponneri Education District,
Office at Government Girls Hr. Sec. School,
Venbakkam, Ponneri (Taluk),
Tiruvallur District - 601 204.

7.The Assistant Elementary Educational Officer,
Minjur Panchayat Union,
Minjur - 601 203,
Ponneri Taluk, Tiruvallur District.

8.The Head Master,
Minjur Panchayat Union Primary School (South),
(Near Sivan Koil),
Ponneri Town (Taluk),
Tiruvallur District - 601 204.

9.The Block Development Officer,
Minjur Block Development Office,
Minjur - 601 203,
Ponneri Taluk, Tiruvallur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation of the 2nd petitioner, dated 22.02.2019 and thereby directing the respondents to carry out all repair works in the school buildings, namely Minjur Panchayat Union Primary School (South), (Near Sivan Koil), Ponneri Town (Taluk), Tiruvallur District - 601 204 and to remove all encroachments made therein, land, comprised in Survey No.329, measuring an extent of 3,200 sq.ft out of the total extent of 0.89.5 hectare, situate at Ponneri Village & Taluk, Tiruvallur District and also to keep the same as free from encumbrances and to maintain the school compound clean and healthy manner.

For Petitioners	:	Mr.R.Munuswamy
For Respondents - 1 to 3	:	Mr.R.Vijayakumar, Addl. Govt. Pleader
Respondents - 4 to 7	:	Mr.C.Munusamy Special G.P(Education)

O R D E R

(Order of the Court was made by
M.M.SUNDRESH, J.,)

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the 2nd petitioner, dated 22.02.2019 and to carry out all repair works in the school buildings, namely Minjur Panchayat Union Primary School (South), (Near Sivan Koil), Ponneri Town (Taluk),

Tiruvallur District - 601 204 and to remove all encroachments made therein, land, comprised in Survey No.329, measuring an extent of 3,200 sq.ft out of the total extent of 0.89.5 hectare, situate at Ponneri Village & Taluk, Tiruvallur District and also to keep the same as free from encumbrances and to maintain the school compound clean and healthy manner.

2. Upon not satisfying with the statement made by the respondents, this Court vide order dated 21.11.2019, directed the Secretary, District Legal Services Authority, Thiruvallur to put the respondents 2 & 5 to 9 on notice and cause inspection of the school buildings, viz., Minjur Panchayat Union Primary School (South), (Near Sivan Koil), Ponneri Town (Taluk), Tiruvallur District - 601 204 and file a Status Report with supporting documents and photographs. As per the aforesaid direction, the Secretary, District Legal Services Authority, Tmt.Saraswathi, Senior Civil Judge, Thiruvallur had caused a detailed inspection and filed the Status Report with supporting documents as well as photographs before this Court on 10.01.2020 and the same were taken on file and recorded by this Court.

3. The Status Report, documents and photographs filed by the Secretary, District Legal Services Authority, Tmt.Saraswathi, Senior Civil Judge, Thiruvallur, clearly indicated that the said school building is not in a hygienic condition. Thereafter, a new set of photographs have been filed before this Court, which indicates two types of actions viz., the repair work done on a part of the existing school building and the dilapidation/demolition done on the remaining part of the school building.

4. The learned counsel for the petitioners has made out a grievance in respect of the playground.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3, based on instructions, submitted that in the demolished portion, a new school will be constructed by the respondents. He also submitted that the process of changing the classification of land is going on, since the said land has been already classified as Temple land. He further undertook that if any encroachment is made in the said land, after removing the same, the playground will be made ready.

6. The above said undertaking made by the learned Additional Government Pleader is recorded.

7. In view of the facts and circumstances of the case, this Court feels that it would be appropriate to direct the

respondents to make every endeavour to bring forth in existence the playground, after all, the children need more than a formal education. Apart from playing, the development of a child includes a good sporting environment. Therefore, this Court issues the following directions:

(i) The respondents are directed to construct a new school in the demolished portion of the building as expeditiously as possible, within a period of one year from the date of receipt of a copy of this order. They are also directed to take adequate steps to construct a playground in the said land.

(ii) The respondents shall carry out the exercise of constructing a new school and playground in the demolished part of the building with the assistance of a Surveyor.

(iii) If the petitioners find any laxity in the said exercise, it is open to them to work out their remedy in the manner known to law.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

- 1.The District Collector,
Tiruvallur District, Tiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri Revenue Division,
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+1 cc to Government Pleader sr18721

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gmr(co)
aa14/05/2020