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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.24763 TO 24765 OF 2015

AND

M.P.NOS.1, 1, 1 AND 2 OF 2015

- 1.P.Baby
- 2.T.Baburaja
- 3.T.S.Shanmugasundaram
- 4.A.Narayanan
- 5.G.Kasturi
- 6.K.Thangarasu
- 7.M.Divya
- 8.K.Natarajan
- 9.K.Senthil
- 10.S.Eswaramurthy
- 11.S.A.Nachimuthu
- 12.J.Vijaya
- 13.B.Selvi
- 14.S.Natarajan
- 15.M.Latha
- 16.K.Shanmugasundaram
- 17.B.Eswaran

...Petitioners in all WPs

Vs

- 1.The State of Tamil Nadu rep.
its Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai - 600 009.



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2.The Chief Engineer, PWD,
Technical Education Department,
Dote Campus, Sardar Patel Road,
Guindy, Chennai - 600 025.

3.The Executive Engineer,
PWD, Technical Education Division,
Coimbatore.

4.The Registrar,
Bharathiyar University,
Coimbatore - 46.

...Respondents in WP.No.24763/2015

1.The Deputy Superintendent of Police,
Erode Rural Sub Division,
Perundurai,
Erode District.

2.The Inspector of Police,
Kodumudi Police Station,
Erode District.

...Respondents in WP.No.24764/2015

1.The State of Tamil Nadu rep.
its Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

2.The Director of Higher Education,
DPI Compound, College Road,
Chennai - 600 006.

3.The District Collector,
Erode District, Erode - 638 011.

4.The Registrar,
Bharathiyar University,
Coimbatore - 46.

...Respondents in WP.No.24765/2015

Prayer in WP.No.24763/2015 : Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the tender notice No.DB/8CE/TEC/2015-16/D03 dated 03.07.2015 issued by the second respondent which was published in the New



Indian Express daily newspaper dated 10.07.2015 in so far as Serial No.3 is concerned, quash the same and consequently direct the respondents to utilize tender work for the purpose of construction of the buildings for the Arts and Science College in S.F.No.108/1, Sivagiri Village, Erode District by considering the representation dated 16.07.2015.

Prayer in WP.No.24764/2015 : Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order in Na.Ka.No.33/Mike/SDO-ER/2015 dated 24.07.2015 passed by the 1st respondent, quash the same and consequently direct the respondents to grant permission to the petitioners to conduct procession followed by a public meeting and fasting at Anna Medai Thidal, Sivagiri, Erode District for a period of three days by considering their representations dated 24.07.2015.

Prayer in WP.No.24765/2015 : Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to construct the buildings for Government Arts and Science College in S.F.No.108/1, Sivagiri Village, Erode District as per the order in Na.Ka.No.28226/2012 (U1) dated 16.11.2012 passed by the 3rd respondent by giving effect to the Resolutions dated 26.11.2012, 22.04.2013 and 19.07.2013 passed by the Sivagiri Town Panchayat instead of relocating the college to 60, Velampalayam, Modamurichi Union, Erode District by considering their representation dated 16.07.2015.

In all WPs

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.C.Kathiravan
Government Advocate

COMMON ORDER

The tender notification issued on 03.07.2015 for construction of Bharathiyar University Constituent Arts and Science College at Modakurichi in Erode District is under challenge in W.P.No.23763 of 2015.



2. The parties to the lis on hand made a submission that pursuant to the tender notification, the constructions were completed and in the said College, the students are also admitted. This being the factum. Therefore, no relief needs to be granted in respect of W.P.No.24763 of 2015.

3. In respect of W.P.No.24764 of 2015 filed by the same petitioners, the order dated 24.07.2015 is under challenge. The said order is challenged seeking permission to conduct public meeting, demonstration etc. and the said relief also lost its relevance as the purpose for the demonstration is regarding construction of College and the College has already commenced.

4. In W.P.No.24765 of 2015, the relief sought for by the same petitioners is to direct the respondents to construct the buildings for Government Arts and Science College in S.F.No.108/1, Sivagiri Village, Erode District as per the order in Na.Ka.No.28226/2012 (U1) dated 16.11.2012 passed by the 3rd respondent.

5. In this regard, the learned counsel for the petitioners states that due to influence of the said MLA during the relevant point of time, the grievances of the people were not redressed. In this regard, the petitioners have raised certain reasons against the then MLA of Modakurichi Constituency. In paragraphs 6 and 7 of the affidavit are extracted as follows:

"6. I submit that, admittedly, there are two Arts and Science Colleges located in Modakurichi Union, whereas, Kodumudi Union did not have any such facility until the Bharathiyar University has established its constituent Arts and Science College at Sivagiri. Nearly, 1875 students are studying in the said college. Majority of the students are hailing from poor financial background. Their parents are poor peasants and agricultural coolies who are not in a position to afford and spend money to send their children either to Erode or Coimbatore, or to Chennai. Further, many families in our area have decided to educate their daughters since the Arts and Science College has been established in the near vicinity. Therefore, the girl students have opted to continue their college studies by taking into consideration of



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two main aspects, they are:- i) personal safety, and ii) less financial burden to their parents.

7.I submit that, all the above mentioned factors would justify the continuation of the constituent Arts and Science College at Sivagiri, whereas, the sitting MLA of Modakurichi Constituency has gone against the interest of the people, and arbitrarily persuaded the Government to re-locate the new Arts and Science College to a place chosen by him at 60, Velampalayam, Modakurichi Union. On enquiry, we came to know that the said MLA has purchased vast extent of lands in the name of his benamies, and around the proposed area chosen for relocation of the college. Therefore, in order to promote his real estate business and to get personal gain, he has acted as an instrumental to relocate the new Arts and Science College from Sivagiri to 60, Velampalayam which is nearly 15 Kms., away from the existing location."

6. It is contended that the then sitting MLA of Modakurichi Constituency has gone against the interest of the people and arbitrarily persuaded the Government to re-locate the new Arts and Science College to a place chosen by him at 60, Velampalayam, Modakurichi Union.

7. However, the said allegation cannot be gone into in this writ petition as the Government has taken a decision and the College has already been constructed. This being the factum. The petitioners are at liberty to submit fresh representation if any grievance exists or for redressal of their grievances to the Government and in the event of any such representation, the same may be considered on merits and in accordance with law.

8. With these observations, all these writ petitions stand disposed of.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

Sgl



To

1.The Secretary to Government,
State of Tamil Nadu
Department of Higher Education,
Fort St. George, Chennai - 600 009.

2.The Chief Engineer, PWD,
Technical Education Department,
Dote Campus, Sardar Patel Road,
Guindy, Chennai - 600 025.

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7.The Director of Higher Education,
DPI Compound, College Road,
Chennai - 600 006.

8.The District Collector,
Erode District, Erode - 638 011.

9.The Government Advocate,
High Court, Madras.

+3ccs to M/s.N.Manokaran, Advocate SR.No.48897, 48898, 48899

+1cc to the Government Pleader SR.No.49505

W.P.No.24763 to 24765 of 2015

SMI(CO)
RVM(22/10/2021)