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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. NO. 18373 OF 2018

AND

W.M.P. NOS. 21681 AND 21682 OF 2018

1. Ajay Francis Loyola
2. Prof.Dr.Vandana Zachariah
3. N.Sivanandasankar
4. M.Palaniappan
5. D.R.Shete

... Petitioners

-Vs-

1. The Commissioner of Police
No.132, Commissioner Office Building
KVK Sampath Road, Vepery
Periyamet, Chennai - 600 007.
2. The Deputy Commissioner of Police (L&O)
Poonamallee High Road, Kilpauk
Chennai - 600 010.
3. The Assistant Commissioner of Police (L&O)
No.18, Police Quarter
Poonamallee High Road, Kilpauk
Chennai - 600 010.
4. The Inspector of Police
K6, T.P.Police Station, Chennai.
5. The Principal of St. Georges Anglo Indian School
and Orphanage
738, EVR Road
New Bupathy Nagar
Shenoy Nagar, Chennai - 600 030.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents 1 to 4 to take appropriate action under Section 133 of the Criminal Procedure Code to control the nuisance caused by the Fifth Respondent in view of the Petitioner's complaint dated 18.12.2017.

For petitioners : Mr.N.R.Elango
Senior Counsel
For M/s.M.Govindaraju

For Respondents : Mr.V.Prakash
Senior Counsel
For M/s.Adrian D.Rozario
(For R5)

Mr.C.E.Pratap
Government Advocate
(Criminal Side) (For R1 to R4)

ORDER

The petitioners, who are the residents of Ramanathan Street, Kilpauk, Chennai have filed this writ petition seeking a Writ of Mandamus, directing the Respondents 1 to 4 to act on the petitioners' complaint dated 18.12.2017 in respect of the nuisance caused by the 5th respondent.

2. It is the case of the petitioners that the 5th respondent School is located in the vicinity and the open space of the school is let out by the management for commercial purposes during week ends and holidays. It is the specific case of the petitioners' that every year, the book fare is allowed to be conducted in the play ground of the school which attracts large number of visitors participated there. As a consequence, it leads to traffic snarls and dumping of garbage. It is further case of the petitioners' that they have referred a number of complaints in such regard, the latest complaint dated 18.12.2017. It is the grievance of the petitioners that till date, no action has been taken such representation. The petitioners have also enclosed photographs in support of the claim about the alleged nuisance by the fifth respondent.



3. The fifth respondent has filed a counter affidavit denying the averments contained in the affidavit filed in support of the writ petition.

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4. I have heard the learned counsel for the petitioners as well as the respondents and perused the materials filed by both the parties.

5. Without expressing any opinion on the merits of the case, this Court is inclined to direct the respondents 3 & 4 to take an appropriate enquiry upon prior notice to the fifth respondent and pass appropriate orders. The entire exercise should be completed within a period of four weeks from the date of receipt of a copy of this order.

6. Till the respondents 3 & 4 take a final decision, the fifth respondent is injuncted from letting out the vacant place of the school or play ground for lease or rent to conduct any functions or festivals and also directed not to allow any public gathering in the above said school during weekend and holidays.

7. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

rli

To

1. The Commissioner of Police
No.132, Commissioner Office Building
KVK Sampath Road, Vepery
Periyamet, Chennai - 600 007.
2. The Deputy Commissioner of Police (L&O)
Poonamallee High Road, Kilpauk
Chennai - 600 010.



3. The Assistant Commissioner of Police (L&O)
No.18, Police Quarter
Poonamallee High Road, Kilpauk
Chennai - 600 010.

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4. The Inspector of Police
K6, T.P.Police Station
Chennai.

+1cc to M/s.M.Govindaraju, Advocate, S.R.No.41305

+2ccs to M/s.Adrian D.Rozario, Advocate, S.R.No.40839

W.P. No. 18373 of 2018
and

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VBM(CO)
RLP(13/10/2021)