



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23775 of 2021

Annai Indira Nursery and Primary School
Rep. by the Correspondent
S.Anbalagan

...Petitioner

Vs.

1. State of Tamilnadu
rep. by the Director,
Directorate of Elementary Education,
DPI Complex,
College Road,
Chennai 600 006.
2. The District Collector,
Dharmapuri 636 702.
3. The Commissioner of Land Administration,
2nd Floor,
Chepauk,
Chennai 600 005.
4. The Chief Education Officer,
Dharmapuri 636 702.
5. The District Education Officer,
Dharmapuri 636 702.
6. The Block Educational Officer
Pennagaram 636 810.
7. The Tahsildar
Pennagaram 636 810.
8. Nehru Memorial Nursery and Primary School,
Chinnampalli,
rep. by its Correspondent
Smt.Yogalakshmi.

...Respondents



Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 7 to take action against the management of the 8th respondent School to shift their school to some other place at a distance away from the petitioner's school for which the petitioner has made a representation dated 01.07.2021 to the respondents 1 to 7.

For Petitioner : Mr.R.Malaichamy
For Respondents : Mr.V.Bharanidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 7 to take action against the management of the 8th respondent School to shift their School to some other place at a distance away from the petitioner's School for which the petitioner has made a representation dated 01.07.2021 to the respondents 1 to 7.

2.The case of the petitioner is that the petitioner is the Correspondent of Annai Indira Nursery and Primary School, Chinnampalli at Survey Nos.60 and 63 and the said school is functioning under Vaitheeshwara Educational Trust, Chinnampalli. The petitioner is running the said School from the year 1980 and it was recognized during the year 1993 by the Tamil Nadu Government and the Certificate of recognition is renewed at regular intervals. The 8th respondent School was started in the year 2004 and it is situated in Survey No.230 and it is located 30 meters of distance from the petitioner School and stream (water bodies) is found at Survey No.231, which is nearer to 8th respondent School.

3.According to the petitioner, the 8th respondent School is functioning without following the Rules and Regulations laid down by the State of Tamil Nadu with regard to safety measures. In this regard, the petitioner made a representation dated 01.07.2021 to respondents 1 to 7 and since no action was taken, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 01.07.2021 and to pass appropriate orders within a reasonable time frame.



5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 7. Since this Court is not inclined to pass any adverse order as against the 8th respondent, notice to the 8th respondent is dispensed with.

6. The facts of the case is not in dispute. Admittedly, the petitioner is running Annai Indira Nursery and Primary School, Chinnampalli at Survey Nos. 60 and 63 and recognition to the said School was granted during the year 1993. The grievance of the petitioner is that the 8th respondent is running School in close proximity to the petitioner School and hence the petitioner has made representation to the respondents 1 to 7 to take action against the management of the 8th respondent School to shift their School to some other place at a distance away from the petitioner's School on the ground that the 8th respondent School is located near water bodies. The dispute appears to be a private dispute, which cannot be decided in the writ petition under Article 226 of the Constitution of India. The grievance of the petitioner is also not genuine. Hence, this Court is not inclined to issue any positive direction in this writ petition.

7. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

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+1 CC to Mr.R.Malaichamy, Advocate sr 57309

+1 CC to The Government Pleader sr 57619.

W.P.No.23775 of 2021

GJ(CO)
SP(30/11/2021)