



W.P.No.15093 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.15093 of 2014

&

M.P.No.1 of 2014

1.R.Sengodan
2.A.S.Angammal
3.K.Malathi
4.S.K.Krishnamoorthy

...Petitioners

Vs.

1.The District Collector,
Namakkal District.

2.The Regional Transport Officer,
O/o.Regional Transport Office,
Thiruchengode,
Namakkal District.

3.The Deputy Director of Town Planning,
Town and Country Planning Authority,
No.6. Sannadhi Street,
Subramani Nagar, Salem - 5.

4.K.S.Rengasamy,
Correspondent,
Avvai K.S.R. High School,
6th street C.H.B. Colony,
Thiruchengode,



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Namakkal District.
(R4 deleted vide order dated 24.11.2022
made in W.P.No.15093 of 2014 by
this Court)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from permitting the 4th respondent from plying the school buses to his schools from the vacant land comprised in Survey No.123/1A through the private street and 8th Street, C.H.B. Colony, Thiruchengode, Namakkal District and initiate action against the 4th respondent for using 30 feet breadth road for plying school buses.

For Petitioners : Mr.Ilan Chezhiyan
For M/s. G.Ethirajulu

For Respondents : Mr.B.Vijay, [for R1 to R3]
Additional Government Pleader.
Mr.K.S.Jeyaganeshan [for R4]

ORDER

The petitioners claim to be residing in C.H.B. Colony, Thiruchengode, Namakkal District. Their grievance is as against the action of the 4th respondent, who is the Correspondent in the Avvai K.S.R. High School, Thiruchengode, who, plys, according to the petitioner, 14 school buses transporting the students of the school to and from their homes to the school. They are also aggrieved by the fact that the school buses are parked in a vacant land neighbouring their residence.



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6. The counter filed by the official respondent supports the stand adopted by the 4th respondent. The deponent refers, in detail to the enquiry that was conducted on 28.05.2014, in which 4th respondent along with 9 other residents of street No.8 and C.H.B. Colony, participated. Their opinion is to the effect that the petitioners are out to settle their personal scores qua 4th respondent, particularly as none of the residents, who participated in the enquiry supported the allegation put forth by these petitioners.

7. That apart, 3rd respondent confirms at paragraph No.6 that the vacant land utilized by 4th respondent for parking of the buses has been taken on lease and that the roads on which the buses ply to and from the parking slot and the school premises, constitute public roads. They also confirm that there is no nuisance caused by plying of the school buses or any danger or threat to the life of the residents or students.

8. At paragraph No.7 of the counter filed by the 3rd respondent, they refer to reply dated 18.07.2014 sent by the 2nd respondent herein, denying and repudiating the allegation made by the petitioners.

9. In the rejoinder filed by the petitioners, they reiterate the contents of the Writ Petition, in effect enhancing the allegations made, to say that 50 buses are now being run by the school.



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11. Upon considering the rival contentions and the pleadings filed, this Court finds no reason to intervene or to consider grant of mandamus as sought. The averments in counter, particularly by the 3rd respondent, make it clear to me that the parking and plying of the school buses is in order and not in contravention of any rules or regulations.

12. This order is restricted to the averments in the present pleadings before me now. The petitioners are always at liberty to raise, and the respondents are bound to enquire into allegations, if and when made of violations if any, committed by the school going forward.

13. Accordingly, this Writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

mpl

Index : Yes/No

Speaking Order/Non speaking Order



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DR.ANITA SUMANTH,J.
mpl

To

- 1.The District Collector,
Namakkal District.
- 2.The Regional Transport Officer,
O/o.Regional Transport Office,
Thiruchengode,
Namakkal District.
- 3.The Deputy Director of Town Planning,
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