



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.30479 of 2017

and

W.M.P.Nos. 33276 & 33277 of 2017,
27584 of 2018, 20173 of 2018 & 5251 of 2020

The Parent Teachers' Association,
rep. by its President,
Mrs.Imthiaz Fathima Wadood,
Government Hobart Higher Secondary
School, Royapettah,
Chennai-600 014.

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary,
Backward and Most Backward
Minority Welfare Department,
Fort St. George,
Chennai-600 009.
2. The District Education Officer,
DPI Campus, College Road,
Chennai-600 006.
3. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
4. Assistant Engineer,
Public Works Department,
Building Chief Engineer,
Triplicane, Chennai-5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to quash the G.O. passed by the 1st respondent in G.O.No.17, dated 11.04.2017, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 11.04.2017 by giving approval for constructing the Government Girls Hostel for Minority Welfare Department, Royapettah.



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For Petitioner : Mr.Akil Akbar Ali

For Respondents: Mr.M.Shahjahan,
Special Govt. Pleader for R1

Ms.P.Rajarajeswari,
Govt. Advocate for R2 and R3

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the G.O. issued by the 1st respondent for constructing Government Girls Hostel to the Backward classes, Most Backward Classes and Minorities Welfare community students in the Government Hobart Higher Secondary School, Royapettah, Chennai.

2.Brief facts leading to the filing of this Writ Petition is as follows:-

In the impugned G.O.,the Government has proposed to grant administrative sanction for constructing Government Girls Hostel for backward classes, most backward classes and minority community students. Consequently, the 1st respondent had passed an order dated 29.03.2016 sanctioning a sum of Rs.1,45,27,000/- for constructing Government Girls hostel in the land belong to Public Works Department situated inside the Government Hobart Higher Secondary School, Royapettah. The petitioner, a parent teacher association of the above said school and they have sought to challenge the G.O. on the ground that the Government has proposed to construct girls hostel inside the school premises without getting consent from the parent teachers association and by constructing hostel inside the school premises, it will spoil the atmosphere of entire school and the school is not in a position to educate children with proper instructions. That apart, it will also affect the movement of people inside the school premises.

3.The 1st respondent filed a counter affidavit stating that, the entire land belongs to Public Works Department, and the land is classified as Government Public Works Department land. It is also stated that, the school is an aided school, and the Government is only paying salary to the teachers. That apart, the above Government school is in a total extent of 135 grounds, 1267 sq.ft, out of which, the Hostel is to be constructed in 6 grounds and 1000 sq.ft. Now, the land has been transferred to Backward Classes and Minorities Welfare Department for the construction of hostel to cater to the needs of poor minority students, wherein the students throughout the Tamil Nadu will be accommodated. The petitioner, being a Parent Teachers



Association, is no way affected.

4.Mr.Akil Akbar Ali, learned counsel appearing for petitioner would submit that, the land in which, school is running, originally belongs to one Mir Humayun Jha Bahadur and he has donated the land with a condition to run the school only and now the Government proposed to construct a girls hostel inside the school premises in violation of lease condition.

5.Mr.M.Shahjahan, learned Special Government Pleader appearing for 1st respondent reiterating the averments contained in the counter affidavit stated that, the land is classified as Government Public Works Department land and the petitioner cannot have any right over the land and if the Government Girls hostel is constructed inside the school premises, it will no way affect the school and petitioner's association has no right to challenge the same.

6.Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

7.The petitioner is a Parent Teachers Association of the school.The Government has proposed to construct Government girls hostel for backward classes, most backward classes and minority community students. Admittedly, now the land is classified as Government Public Works Department land. There is no material produced to show that the land has been gifted by a third party. That apart, the total extent of the school is 135 grounds 1267 sq.ft., out of which, the hostel is going to be constructed only in 6 grounds and 1000 sq.ft. of land to cater to the needs of poor minority girl students studying in various Government Colleges, which is also part of education. That apart, the Management of School has not chosen to challenge the Government Order. The petitioner, being a Parent Teachers Association, absolutely has no right to challenge the order passed by the 1st respondent. Considering the facts and circumstances, I find no merit in this Writ Petition. Hence, the same is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The Secretary,
Government of Tamil Nadu,
Backward and Most Backward
Minority Welfare Department,
Fort St. George,
Chennai-600 009.

2. The District Education Officer,
DPI Campus, College Road,
Chennai-600 006.

3. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

4. Assistant Engineer,
Public Works Department,
Building Chief Engineer,
Triplicane, Chennai-5.

+1cc to M/s.Akhil Akbar Ali Associates, Advocate, S.R.No.13309

+1cc to the Government Pleader, S.R.No.13754

W.P.No.30479 of 2017

NMI (CO)
RGA(12/04/2022)