



WP No.8279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.8279 of 2023
and WMP Nos.8476 and 23381 of 2023

K.Karthikeyan

.. Petitioner

-VS-

1. The District Collector,
Cuddalore District,
District Collectorate, Cuddalore.
2. The Revenue Divisional Officer,
Virudhachalam.
3. The Block Development Officer,
Office of the Block Development Office,
Virudhachalam.
4. The Tahsildar,
Virudhachalam Taluk,
Virudhachalam.
5. The President,
Vannankudikadu Village Panchayat,
Vannankudikadu, Therukuvadakkuputtur,
Virudhachalam Taluk.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to construct new building for Primary School in the same place as it was earlier in S.No.238/12 at Vannankudikadu Village, Therukuvadakkuputtur Post, Virudhachalam Taluk, Cuddalore District as approved by the 1st respondent in his proceeding Na.Ka.No.A7/7159/2022 dated 21.12.2022 by considering the representation dated 23.01.2023 given by Village public of Vannankudikadu to the respondents 1 and 3.

For the Petitioner : Mr.G.Santhanu
For the Respondents : Mrs.R.Anitha,
Spl. Govt. Pleader for RR 1 to 4
: Mr.M.Elumalai for proposed respondent.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Santhanu, learned counsel for the petitioner,

Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 to 4 and Mr.M.Elumalai, learned counsel for the proposed respondent.

2. Directions are sought in the present public interest litigation



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against the respondents to construct a new building of Primary School in the same place as it was earlier in S.No.238/12 at Venankudikadu Village as approved by the first respondent in his proceedings dated 21.12.2022.

3. It is submitted that the classes from I to V standards are functioning in the said school building. Now, the respondents are constructing the panchayat office. The total area reserved for the school is 715 sq. meters and the space now provided for the school is not enough. The respondents are constructing the panchayat office and there would be disturbance to the school.

4. The learned Special Government Pleader submits that the new school building is constructed and the work upto the roofing is complete. The school building would be to an extent of 103.55 sq. meters. It is further submitted that the panchayat office building was already in existence, the same was in a dilapidated conditions, as such, the new building is constructed in an area of 202 sq. meters and the remaining area would be utilised as a play ground for the school.



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5. We cannot comprehend the other activities going on in an area meant for school. The area of the school is only 715 sq. meters. The school is functioning from I to V standards. The new school building is being constructed in an area of 103.55 sq.meters. Only an area of about 225 to 250 sq. meters would remain as a playground after constructing the panchayat office building in an area of 202 sq.meters. Earlier also the panchayat building was in the same premises. The new panchayat building is under construction after demolition of the old building. It would not be proper now to order demolition of the same.

6. However, we make it abundantly clear that henceforth the Government authorities nor the local bodies shall venture to construct any such buildings for the use of the local bodies or the Government in an area marked and reserved for school. The students would get disturbed because of such buildings. Moreover, proper amenities and open space cannot be provided to the students if such buildings come up.



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7. The local bodies and the State authorities shall also ensure that minimum area as required under the policy is maintained for every school. The efforts on the part of the local bodies and the Government ought to be to provide all basic amenities and facilities to the school children and optimum playground for them for the extra-curricular activities and sports. In the present case also, the panchayat and the State shall ensure that the studies and safety of the students is not impaired because of the panchayat building and steps shall be taken to segregate the panchayat building without any open space and the entire open space shall be meant for the school.

With these observations and directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Neutral Citation : Yes/No

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