



W.P.No.11173 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Amarar Kakkan Kalvi Arakkattalai
Rep. by its President M.Sudandiradasan
911/51, V.S.K.Nagar, Konamedu
Khaderpet, Vaniyambadi
Vellore 635 751.

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary, Municipal Administration &
Water Supply Department
Fort St. George, Chennai 600 009.
2. The District Collector
Tirupattur District at
Tirupattur.
3. The Director of School Education
College Road, Chennai 600 006.
4. The Municipal Commissioner
Vaniyambadi Municipality
Vaniyambadi.



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5. The Director

Directorate of Public Health &
Preventive Medicine

DMS Compound, Chennai 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the representation dated 06.03.2023 to forthwith drop all further action and process in regard to the coming into being of the Primary Health Centre at Ward-E, Block No.4, T.S.No.14 & 15 of Konamedu, Vaniyambadi, Tirupattur District by taking into account the various objections raised and putforth towards the said proposal by the general public.

For the Petitioner : Mr.L.Chandrakumar

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 3 & 5

Mr.P.Srinivas
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.L.Chandrakumar, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3 and 5 and Mr.P.Srinivas, learned counsel for the



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fourth respondent.

2. A counter affidavit is filed by the fourth respondent. Para 13 of the affidavit reads thus:

"13. The averments in para 6 to 9 are denied and the averments set out above answer to the said allegations. It is further submitted that the aim and objectives of some of the residents of the area is to protect the school and this not being in any way tampered with by the Respondent herein. The school is having the area of 58,297 square feet and the said land is situated in T.S.No.14/1A43. The work of construction of the Sub Health centre is being done in T.S.No.14/1A9 and 14/1A10 Part. This land though it appears as part of the school, it is not part of the said lands in T.S.No.14/1A43. Therefore, the work construction of the Sub Health centre will not in any way affect the school and its buildings and the open area of the school that is used as its playground."

3. It is submitted that the school has an area of 58,297 sq.ft., which, as per the Regulation, is sufficient and the construction of Sub



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Health Centre would be in other sub-divided land.

4. In that view of the matter, no prejudice would be caused by the construction of Sub Health Centre. The State shall take steps to ensure that the school building and the playground of the school are safe for the children and if required, necessary fencing or compound wall be erected between the school building situate in T.S.No.14/1A43 and Sub Health Centre in T.S.No.14/1A9 and 14/1A10 Part.

5. With the aforesaid observation the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.11035 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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