



W.P.(MD)Nos.13710 of 2022 and 17038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.13710 of 2022

and

W.P(MD)No.17038 of 2023

W.P(MD)No.13710 of 2022:

Roach Colony Kudiyiruppor Nala Sangam,
Rep. by its President,
B.Ravi

... Petitioner

Vs.

- 1.The Director,
Information of Public Relation Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of School Education,
D.P.I. Complex,
College Road,
Chennai.
- 3.The District Collector,
Collectorate Complex,
Tuticorin.
- 4.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 5.The Headmaster,
St. Xavier Hr. Sec. School,
Great Cotton Road,
Tuticorin.



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6. The Chief Educational Officer,
Saveriyana Higher Secondary School,
Duvipuram Road,
Tuticorin.

7. The Commissioner,
Tuticorin Corporation,
Tuticorin.

8. The District Fire Officer,
Fire & Rescue Department,
Tuticorin.

9. OLS Friends Exhibition Committee,
EXPO – 2022,
No.53-A, South Emperor Street, Tuticorin 628 001,
Rep. by its President.

10. L. Ravi Fernando

... Respondents

(R-9 and R10 are impleaded vide Court order dated
19.07.2023 in W.M.P(MD)Nos.10694 and 10413 of 2022,
14603, 14625, 14629 of 2023 in W.P(MD)Nos.13710 of 2022
and 17038 of 2023 by SSSRJ And DBCJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Mandamus directing the respondents not to permit any Exhibition
and Entertainment Activities in the Saveriyana Ground belongs to the St.
Xavier Higher Secondary School, Tuticorin as per the proceedings in
Na.Ka.No.34748/M/E1/2015 dated 08.07.2015 issued by the second
respondent on the basis of the petitioner's representation dated 19.05.2022.

For Petitioner : Mr. S. Sades Kumar

For R-1 to R-3,
R-6 & R-8 : Mr. P. Thilak Kumar,
Government Pleader
(For R-1 to R-3, R-6, R-8)

For R-4 : Mr. M. Veeranthiran,
Government Advocate (Crl. Side)



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For R-5
For R-7
For R-9
For R-10

:Mr.S.Michael Hildon Kumar
:Mr.N.Ananda Kumar
:Mr.V.Janaki Ramulu
:Mr.S.Muthu Kumar

W.P(MD)No.17038 of 2023:

X.Innasi

... Petitioner

vs.

1.The Commissioner,
Tuticorin Corporation,
Tuticorin – 628002.

2.The Director,
School Education Department,
Chennai.

3.The Director,
Information and Public Relations Department,
Chennai.

4.The District Collector,
Tuticorin District.

5.The Tahsildar,
Tuticorin Taluk,
Tuticorin District.

6.The Chief Educational Officer,
Tuticorin District,
Tuticorin.

7.The Inspector of Police,
Tuticorin Thenbakam Police Station,
Tuticorin

8.Mr.K.Suthakar,
Secretary,
Exhibition Committee Our Lady of Snows,
No.82-A/2, Maria Tower 2nd Floor,
George Road, Thoothukudi – 628008.



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9. Golden Car Festival Committee,
Represented by Co-Ordinator W.Jancy,

10. The Head Master,
Saint Francis Xavier Higher Secondary School,
Tuticorin.

11. Dr. A. Renold,
S/o. Antony Pitchai,
President,
Annai Baratha Nala Thalamai Sangam,
No. 89, Beach Road,
Thoothukudi - 628001.

(R-8 to R-10 are impleaded vide Court order dated
19.07.2023 in W.M.P(MD)Nos.10694 and 10413 of 2022,
14603, 14625, 14629 of 2023 in W.P(MD)Nos.13710 of 2022
and 17038 of 2023 by SSSRJ and DBCJ)

(R-11 is impleaded vide Court order dated 07.08.2023 in
W.M.P(MD)No.14930 of 2023 in W.P(MD)No.17038 of 2023)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Mandamus directing the respondents not to permit for conducting
any kind of Exhibition by putting up of formal or temporary construction in
the school play ground (XAVERIANA) of Saint Francis Xavier Higher
Secondary School, Tuticorin near to the Saint Panimaya Maatha Church by
considering the petitioner's representation dated 03.07.2023.

For Petitioner : Mr. R. Venkatesan for
M/s. Right Law Associates

For R-1 : Mr. N. Anandha Kumar

For R-2 to R-6 : Mr. P. Thilak Kumar,
Government Pleader

For R-7 : Mr. M. Veeranthiran,
Government Advocate (Crl. Side)



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For R-8 :Mr.G.Mohan Kumar
For R-10 :Mr.R.Balakrishnan
For R-11 :Mr.S.Suresh Kumar Isaac Paul

COMMON ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard the learned counsel appearing on either side.

2. Since the issue raised in these writ petitions is one and the same, the writ petitions are disposed of by way of this common order.

3. The petitioners have filed these Public Interest Litigations seeking for issuance of a Writ of Mandamus, directing the official respondents not to grant permission for conducting any kind of Exhibition in the school play ground (XAVERIANA) of Saint Francis Xavier Higher Secondary School, Thoothukudi.

4. These Public Interest Litigations are moved/filed in the wake of a festival in relation to St. Panimaya Maatha Church, which is famous church, an exhibition is conducted in the School Playground, which is admittedly 1 km., away from the school known as St. Francis Xavier Higher Secondary School.



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5. The petitioners have raised some objections and gave representations to the District Administration as well as the local body on the ground that the unauthorised association of individuals are conducting the exhibition and that, the public like the petitioners anticipate a breach of peace on account of enmity between rival groups in conducting the festival as well as the exhibition.

6. However, the petitioners have not produced any verifiable materials to justify his apprehension as to breach of peace or public tranquillity as a result of conducting exhibition. It is admitted that the exhibition is conducted nearly 1 Km., away from the school. In view of the same, the stand of the petitioners that the prayer is in the interest of students, cannot be accepted.

7. Moreover, the learned counsel appearing for the eighth respondent in W.P(MD)No.17038 of 2023 has produced before this Court the order passed by this Court in W.P(MD)No.7621 of 2023, dated 05.04.2023, dismissing the writ petition, in which, the petitioner therein has sought for a Writ of Mandamus, directing the same set of official respondents to secure “Xaveriana Campus”, which is meant for educational purpose. Stating that the writ petition is not maintainable as against the educational agency and the school therein do not fall within the definition of the “State” under Article 12 of the Constitution of India, the said writ petition was dismissed.



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8. This Court is unable to find any bonafides in these litigations.

First of all, the petitioners have not come forward with the factual details as to how, the exhibition would lead to breach of peace or public tranquillity. Normally, commercial exhibitions like the one which is organised by the private respondents are conducted to attract public, particularly, at the time of festival, where the floating population will be more. It is only to cater to needs of public, such exhibitions are being conducted. The petitioners have not come forward with any specific allegation or specific incident to indicate that these writ petitions are filed in public interest or to protect the interest of students.

9. Further, it is now reported that the exhibition is going on smoothly till date. Therefore, this Court is unable to see any real public interest involved in these litigations. Therefore, these writ petitions are dismissed. No Costs.

[S.S.S.R., J.] [D.B.C., J.]
07.08.2023

Index : Yes / No
NCC : Yes / No

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