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W.P.No.18981 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.18981 of 2020
and WMP Nos.23534 & 23541 of 2020**

St.Mary's Matriculation Higher
Secondary School
Rep.by its Correspondent
M.J.Martin Kennedy
No.14, Robinson Park Colony
Old Washermanpet
Chennai 600 021.

.... Petitioner

-Vs-

1.The Director of Matriculation Schools
College Road, Chennai-600 006.

2.The Commissioner
The Greater Chennai Corporation
Ripon Buildings
Chennai 600 003.

3.The Executive Engineer
Sports Officer (Stadium) Incharge
Ripon Buildings
Chennai 600 003.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records



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relating to the order passed by the 3rd respondent in his proceedings A.thu.Na.Ka.No.A4/679/2020 dated 01.10.2020 and quash the same insofar as increase of the license fee to a tune of Rs.5,00,000/- per year from 15,000/- alone is concerned for the playground in Robinson Park Royapuram owned by the 2nd respondent which is being used by the Petitioner School as a play area to the children to play outdoor games and other physical activities and direct the respondents 2 and 3 to receive the license fee of Rs.15,000/- per annum which was received for the academic year 2019-2020.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mr.V.Nanmaran
Additional Government Pleader
for R1

Mr.P.T.Ramadevi
Standing Counsel
for R2 & R3

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to an order passed by the 3rd respondent, Executive Engineer, Sports Officer (Stadium) incharge, Greater Corporation of Chennai at Ripon Building dated 01.10.2020 and quash the same. By that particular order, the 3rd respondent had increased the license fee from Rs.15,000/- to Rs.5,00,000/- every year for utilization of the playground in Robinson Park in



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Royapuram which is owned by the 2nd respondent, Greater Chennai Corporation and which is used by the petitioner School as a play area for the children to play outdoor games and for other physical activities. The petitioner claims that this increase in the license fees from Rs.5,000/- to Rs.5,00,000/- is arbitrary and seeks interference of this Court to quash the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner School was established in the year 1990 and is a minority institution. It had been further stated that it is an aided private School. It had been further stated that the 3rd respondent had permitted the petitioner to use the Robinson Park playground at Royapuram which is owned by the 2nd respondent. The license was granted and the license fee of Rs.300/- per month was initially collected. Later it was increased to Rs.15,000/- per year. By the impugned order it had been further increased to Rs.5,00,000/- every year. Questioning this particular increase, the writ petition has been filed.

3.A counter affidavit has been filed on behalf of the respondents, wherein it had been stated that for private Institutions, the usage fee of any Corporation



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playground had been uniformly increased to Rs.5,00,000/- and for Government aided Schools it had been increased to Rs.1,00,000/-. It had been stated that this is a policy of the Government which had been implemented after due resolutions being passed by the respondents.

4.It had also been contended that all other Schools which are similarly using the Corporation playgrounds have been paying the enhanced license fee and it is the petitioner School alone who has raised a protest. But however, since it is a policy of the Government, it would only be appropriate that the petitioner also abides by the said terms and conditions stipulated. The learned counsel for the petitioner claimed that this increase was arbitrary but the said arbitrariness cannot be put as a ground as against this particular order since, after considering all factors, the order had been passed. The 3rd respondent had taken into consideration the fact that Schools like the petitioner School duly collect the fees from the students and therefore the management would not be suffer any loss or would not suffer financially by increase in the license fee. They stated that the fees is spread out over a period of one year and therefore proper financial management would ensure that the students are also not put to loss.



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5. It had been contended that as on date, the petitioner is paying a sum of Rs.1,50,000/- as directed by this Court earlier. But from the year 2020 onwards, the petitioner will have to pay a sum of Rs.5,00,000/-. After adjusting the said sum of Rs.1,50,000/-, it is only be appropriate that the petitioner is permitted to pay the amount in installments. The arrears amount should be paid within a period of two years in four equal installments once in six months. The petitioner must however continue to pay license fee at a sum of Rs.5,00,000/- from the current year or when the next fee is payable and also clear the arrears in the aforesaid manner. The petitioner is bound by the Resolutions of the respondents which has determined in the license fees.

6. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.12.2024

Index : Yes/No
NCS : Yes/No
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C.V.KARTHIKEYAN.,J
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To

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