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W.P.No.29946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

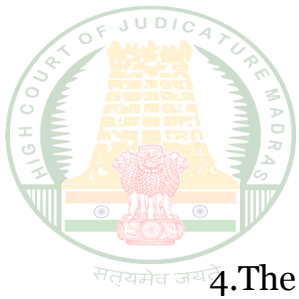
W.P.No.29946 of 2024
and W.M.P.Nos. 38328, 40267, 40268 and 40269 of 2024

R.Prabakaran

.. Petitioner

vs

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Public Works Department,
Fort St. George, Chennai-9.
- 2.The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
- 3.The District Collector,
First Floor,
New Collectorate Building,
Collectorate, Manjakuppam,
Cuddalore-607 001.



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4.The Secretary to Government,
Youth Welfare and Sports Development Department,
Secretariat, Chennai-600 009.

5.The Director (ADW),
Adi Dravidar and Tribal Welfare Directorate,
Chepauk, Chennai-600 005.

6.The Revenue Divisional Officer,
Virudhachalam Main Road,
Virudhachalam, Tamil Nadu-606 001.

7.The Executive Engineer,
Tamil Nadu Adi Dravidar Housing &
Development Corporation Ltd. (TAHDCO),
No.313 & 316, New Collectorate Building,
Thdeerkuppam, Alpettai,
Cuddalore-607 001.

8.The Revenue Tahsildar,
Titagudi-606 106.

9.The Commissioner,
Thittakudi Municipality,
Tittagudi-606 106.

10.The Head Master,
Government Boys Higher Secondary School,
Thittagudi-606 106.

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their men, agents or any one acting on their behalf from proceeding with the construction of the Boys Hostel or any other construction whatsoever on the playground of the Government Boys Higher Secondary School, Tittagudi,



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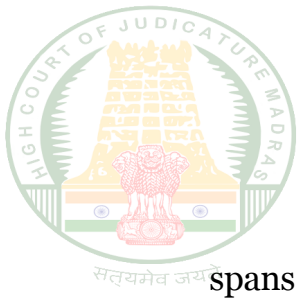
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vie letter dated 14.3.2024 and remove whatever construction already made and restore the playground to tis original position.

For Petitioner	: Mr.V.Prakash Senior Counsel for Ms.S.Kala
For Respondents	: Mr.A.Edwin Prabakar State Government Pleader assisted by Mr.V.Veeramani Government Advocate for respondent Nos.1 to 6, 8 and 10
	: Mr.C.A.Ashok Kumar for respondent No.7
	: Mr.M.Habeeb Rahman Government Advocate for respondent No.9

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition is filed by a person who is objecting to the decision by the Government to build a hostel for the benefit of Adi Dravidar students in the corner of a playground. The hostel is being put up in the place of an old school laboratory, which was in existence, and had to be demolished because it had become dilapidated. Petitioner states that the playground



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spans approximately four acres and the playground was being used by various people residing nearby, including children of various schools in Tittagudi Taluk. According to petitioner, sports is an integral part of education and essential for physical fitness and by constructing the proposed hostel for Adi Dravidar students, respondents have disregarded the importance of open space for student activities. According to petitioner, therefore, the hostel should not be permitted to be put up.

2. By an order dated 9th October, 2024, a Vacation Bench of this Court had granted a stay, which has been extended from time to time.

3. Counter-affidavits have been filed by respondent Nos.1 and 3 and no rejoinder has been filed. Respondent Nos.1 to 6, 8 and 10 have also filed compilation of documents.

4. The fact that there was an existing laboratory which has been demolished and in that place the hostel is being constructed has not been denied. Therefore, the averment that the Government is illegally using the



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playground itself is a statement which is far from truth.

5. Moreover, in the affidavit filed by the District Collector, it is stated that, by the Government Order, old hostel building of the students was demolished and the students were temporarily transferred to a private rented building in Perumoolai Road, Tittagudi, till a new hostel is built. Sanction to construct the hostel at the place nominated is also available. The District Green Committee has also permitted cutting of few trees here and there for constructing the hostel. The area being occupied for the hostel is 0.10.15 hectares, as compared to the total area of 1.29.5 hectares of playground.

6. In the plan annexed to the compilation filed by respondent Nos.1 to 6, 8 and 10, it is stated that the total playground area is 01.1935 ares, whereas the proposed construction is only 0.10.15 ares i.e., less than 1% of the total area of the playground area.

7. The fact that students are now residing in the rented hostel 3



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kilometers away from the school has also not been denied. Therefore, in our view, this is nothing, but a publicity interest litigation made with ulterior motives.

8. We had indicated to the senior counsel that we are inclined to dismiss the petition and if petitioner was ready to withdraw the petition, we may not impose costs. The senior counsel expressed helplessness because he said his clear instructions are not to withdraw, but to proceed with the petition.

9. In paragraph 1 of the affidavit in support, petitioner has stated that he undertakes to pay costs if it is found to be intended for personal gain/ oblique motive. Though the prayer in the writ petition is to restore the playground to its original position, with emphasis being laid on the importance of sports in developing physical and mental wellbeing of the students, however, we find that this petition is filed for extraneous reasons with oblique motives under the garb and colour of Public Interest Litigation which would be evident if we bear in mind the following:



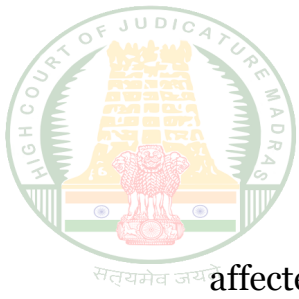
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a) Proposed hostel is meant for Adi Dravidar students, who are presently housed in hostel located 3 Kilometers away from the School. The said hostel is again a private hostel. There is hardly any concern expressed by petitioner for the students who are compelled to commute 6 kilometers (3 kilometers up and down) to reach the School. The above exercise of commuting 6 kilometers every day except causing physical and mental strain on the students (Adi Dravidar) no useful purpose is served, rather the students fritter away time during commuting.

b) There was an existing building (laboratory) in the place where the hostel is proposed to come up, as an alumni petitioner ought to have been aware of the same. We see no bonafides in the resistance to the proposed hostel meant for the benefit of Adi Dravidar students, since a good portion of the proposed hostel was never a play ground instead was a laboratory even earlier.

c) The area to be used for the above construction of hostel for Adi Dravidar students is less than 1% of the total area of the playground, even after excluding the above portion of the playground none of the sport that is being played presently be it Cricket, Football, Basketball, etc., would be



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affected.

9.1. It is thus clear that there is complete lack of bonafides and this Public Interest Litigation is nothing but vexatious and filed with oblique motives. The Supreme Court has repeatedly frowned upon Public Interest Litigations filed for extraneous reasons / oblique motives vide *Esteem Properties (P) Ltd. v. Chetan Kamble*¹ and *Kushum Lata v. Union of India*² . We find that this petition has been filed only with oblique motive, because petition was filed notwithstanding the fact that (a) there was an existing building where the hostel is coming up; and (b) the area to be used is less than 1% of the total area of the playground.

10. Petition is dismissed. We impose costs of Rs.1,00,000/- [Rupees One Lakh] on petitioner, which amount shall be paid over to the District Collector, i.e., respondent No.3, and this amount shall be used for the benefit of Adi Dravidar students. If the amount is not paid within two weeks from today, the District Collector may recover the same from petitioner as arrears of land revenue.

1 (2022) 11 SCC 661

2 (2006) 6 SCC 180



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11. The interim order granted earlier and extended from time to time stands vacated. All interim applications are closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ J.)

27.03.2025

Index : Yes
NC : Yes
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To

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State of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai-9.
- 2.The Principal Secretary to Government,
School Education Department,
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