



CrI.OP(MD)No.7442 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 28.08.2025

DELIVERED ON : 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)No.7442 of 2025

and

CrI.MP(MD)No.5458 of 2025

Sarib Abdullah @ Jim

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kottaiappattinam Police Station,
Pudukottai District.
Cr.No.16 of 2022

2.Sathyamoorthy

3.K.Mohamed Rajabutheen

: Respondents

[R.3 impleaded vide order dated 16.07.2025]

PRAYER: Petition filed under Section 528 BNSS to call for the records relating to the charge sheet in SC.No.44 of 2025 on the file of the Principal District Court, Pudukottai and quash the same.



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For Petitioner : Mr.T.Leninkumar

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)
for R.1

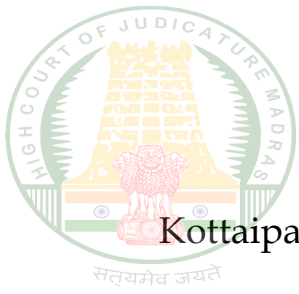
No appearance for R.2

Mr.M.Iniyavan for R.3

ORDER

The petitioner, President of a Parent Teacher Association, has been arrayed as an accused in Crime No.16 of 2022 on the complaint of the second respondent, for the offences under Section 447 IPC and Section 3 of the TNPPDL Act. The final report has been filed and the case is now pending in SC.No.44 of 2025 before the Principal District Court, Pudukottai. The petitioner seeks to quash the said proceedings on the ground that the case is politically motivated and that he had only acted pursuant to a resolution of the Parents Teacher Association.

2.Learned Counsel for the petitioner submitted that the petitioner was elected as President of the Parents Teacher Association (PTA) of

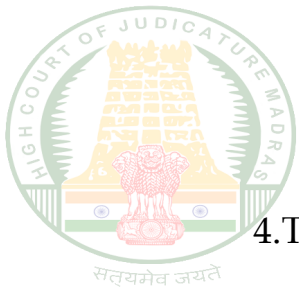


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Kottaiappattinam Government Higher Secondary School in 2018. Two

classrooms were in a dilapidated condition. The Headmaster requested the Block Development Officer to demolish them, but no action was taken. Therefore, in a meeting held on 17.10.2018, the Parents Teacher Association passed a resolution authorising demolition. The petitioner, as President, implemented the resolution and demolished the two unsafe classrooms.

3.It is contended that the second respondent, a member of the ruling political party, subsequently filed a Public Interest Litigation (PIL) against the petitioner alleging unauthorised demolition. On the directions of this Court in WP(MD)No.10554 of 2021, the Chief Educational Officer (CEO) lodged a complaint, resulting in Crime No.16 of 2022. According to the petitioner, the Public Interest Litigation was disposed of without notice to him and without considering the Parents Teacher Association resolution signed by the Headmaster, Teachers, Jamath members and parents. Nevertheless, the petitioner alone was made a scapegoat.



4.The petitioner further urged that he acted in good faith, without criminal intent, solely for student safety. The complaint is politically motivated as he belongs to the AIADMK party, while the complainant belongs to DMK. Reliance was placed on *State of Haryana v. Bhajan Lal* [1992 SCC (Cri) 426] to contend that the allegations do not disclose any offence. It was also argued that since the occurrence was in 2019 and the FIR was registered only in 2022, the proceedings are barred by limitation under Section 468 CrPC.

5.Learned Additional Public Prosecutor submitted that though the petitioner was elected as Parents Teacher Association's President and a resolution was passed for demolition, he demolished the building without approval of the competent authority, namely the PWD, and without intimation to the Headmaster. The demolition was carried out on 04.05.2019 during summer vacation. The in-charge Headmaster, by report dated 17.06.2019, specifically stated that the demolition was done without his knowledge.

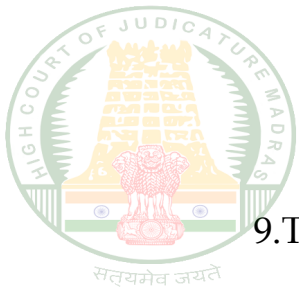


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6.It was further argued that the PTA has no legal authority to order demolition of a public school building, which is under the control of the PWD and regulated by the Tamil Nadu Public Buildings Licensing Act. Demolition requires approval from the School Education Department and local body, supported by a structural assessment. None of these requirements were met. Hence, the act constitutes an offence.

7.This Court has carefully considered the rival submissions and perused the materials.

8.The admitted facts are that a Parents Teacher Association resolution dated 17.10.2018 authorised demolition of two classrooms, which was signed by the petitioner, Headmaster, Teachers, Jamath members and some parents. The demolition was carried out on 04.05.2019. The in-charge Headmaster reported on 17.06.2019 that the demolition was done without prior intimation.



9.The FIR was registered only on 02.03.2022, pursuant to directions of the Division Bench in WP(MD)No.10554 of 2021, wherein a Public Interest Litigation was filed seeking action against the petitioner. By order dated 24.06.2021, the Division Bench directed the CEO to enquire and take action. The CEO, after enquiry, concluded that the demolition was without PWD permission and lodged the complaint. Thus, the FIR was registered not *suo motu*, but pursuant to a judicial direction. Therefore, the contention of limitation under Section 468 CrPC cannot be accepted.

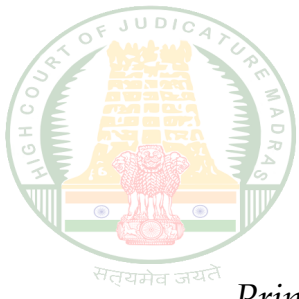
10.As regards the PTA's authority, Rule 41A and Rule 41B of the Tamil Nadu Private Schools (Regulation) Rules, 2018, prescribe the composition and functions of Parent Teacher Associations. The same are extracted as under:-

"41. Parent Teacher Association.

A. Composition of the Parent Teacher Association.

...

(2) The term of the members of the PTA shall be three years or till the wards of the parents who are the members of the PTA leave the school, whichever is earlier.



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(3) *The Secretary of the PTA who is the Head Master or the Principal, District Institute of Education and Training shall be the convener of the PTA*

(4) *Only the parent or the guardian of the pupils studying in the school shall be elected as the office bearers of the PTA.*

B.The Functions of the Parent Teacher Association.-

(1) *The PTA shall follow the guidelines or byelaws issued by the State Parent Teacher Association, from time to time. The PTA shall also perform the following functions with reference to the safety and security of the pupils in school as prescribed by the Government of India, Ministry of Human Resource Development, Department of School Education and Literacy, namely:*

(a) conduct periodical meetings at least once in a month and the minutes or the discussions of the meeting shall be properly recorded and made available to the Head Master to host in the school website and notice board for the information of the parents;

(b) receive suggestions from the parents or the guardians on the safety measures;

(c) carryout inspection of the school using checklist provided in the National Commission for Protection of Child Rights (NCPCR) Manual and suggest appropriate measures;



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(d) constitute Anti-bullying Committee in the school, comprising of Vice Principal, a Senior teacher, School Doctor, Counsellor, representative of the School Management Committee or the Parent Teacher Association, Legal representative, Peer Educators etc;

(e) discuss the decisions taken in the meeting by the Anti-Bullying Committee and the Grievance Committee for Child Sexual Abuse (CSA);

(f) develop bullying prevention programmes and create awareness;

(g) analyze and identify the current safety and security measures within the schooling system and rectify the same; and

(h) perform any other function as notified or prescribed by the State Government, Central Government, affiliating body or by the competent authority, from time to time.

(2) The Secretary of the school committee or the management of the school shall be made responsible for compliance of the manual which shall be discussed in the review meetings.

(3) In case of sexual offence against the pupils in the school premises or the school transport during school hours or after or before it, and the school committee or the management of the school fails to report the commission of the offence under sub-section (1) of section 19 of the



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Protection of Children from Sexual Offences Act, 2012, (Central Act 32 of 2012), action against the school committee or the management of the school may be taken under the said Act."

11.In theory, the PTA is envisaged as a forum for cooperation between parents and teachers, providing a structured platform for feedback, suggestions, and coordination in matters concerning safety, security, and welfare of students. Its role is primarily advisory. The functions include: conducting regular meetings, maintaining minutes, making safety inspections, forming anti-bullying committees, analysing the safety measures of the school, and offering suggestions to management and authorities.

12.In real-time functioning, however, PTAs have an additional role. Under several Central and State Government schemes, such as the Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA), and other School Infrastructure Development Schemes, funds are routed for maintenance and minor works through School Management



Committees or in consultation with the Parents Teacher Association. These bodies are expected to ensure transparency and accountability in utilisation of grants for school development, maintenance of classrooms, sanitation facilities, and other amenities. Even voluntary contributions collected from parents are often channelled through Parents Teacher Association resolutions.

13.Thus, while Parents Teacher Associations may facilitate raising resources or recommend utilisation of funds, their authority is limited to advisory and supervisory functions. They cannot usurp statutory powers of the School Education Department, the Public Works Department, or the local body in relation to public buildings. In fact, the Government vide G.O.Ms.No.56, Rural Development and Panchayat Raj Department, dated 03.04.2008, has prescribe detailed procedure for dismantling old buildings, as under:-

“GUIDELINES

While taking decision for dismantling a building, the main factor to be considered is the structural stability and not merely the age of the



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building.

(I) The following Panchayat whose building is proposed to be demolished shall furnish to the Block Development Officer the following particulars:-

(i) The exact age and condition of the building in detail.

(ii) Resolution specifically suggesting demolition of the building taken on all four directions on inner and outer side.

(II) The concerned Block Development Officer shall then send the following details to the Assistant Executive Engineer (Rural Development).

(i) Specifically certify about the age of the building.

(ii) If the records for the age of the building are not traceable, he should certify that the connected records are not available in the District. If the building proposed for demolition belongs to the Panchayat Union then the Block Development Officer will obtain the resolution specifically suggesting demolition from the Panchayat Union, take photographs of the building from all four directions on inner and outer side, certify the age (or certify that the connected records are not available in the district) and forward the same to the Assistant Executive Engineer (Rural Development).

(III) (i) The Assistant Executive Engineer (Rural Development) concerned shall inspect the damage to the building personally.

(ii) After inspection, the Assistant Executive Engineer(Rural



Development) shall give his specific recommendation about the structural stability of the building to the Executive Engineer (Rural Development).

(IV) (i) The Executive Engineer (Rural Development) shall inspect the building.

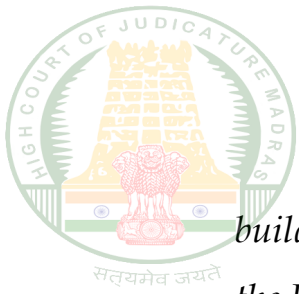
(ii) He should scrutinize the resolution of the Village Panchayat or Panchayat Union concerned and also the structural stability report of the building furnished by the Assistant Executive Engineer (Rural Development) concerned.

(iii) If he is of the opinion that the building does not require dismantling, he shall specifically record his remarks and send his report to the District Collector.

(iv) If he is in agreement with the resolution of the Village Panchayat or Panchayat Union concerned, he shall give his specific recommendations about the structural stability of the building and send his report to the District Collector.

(V) (i) The District Collector shall pass orders based on the report of the structural stability of the building furnished by the Executive Engineer (Rural Development), in case the age of the building is over 40 years irrespective of the plinth area of the building or the age of the building is over 30 years and the plinth area is below 450 sq.ft.

(ii) If the age of the building is in between 30 and 40 years, and the plinth area of the building is above 450 sq.ft. then, the District Collector shall forward his report on the structural stability of the



building furnished by the Executive Engineer (Rural Development) to the Director of Rural Development and Panchayat Raj.

(VI) For buildings of age in between 30 and 40 years, and the plinth area of the building is above 450 sq.ft. the Director of Rural Development and Panchayat Raj shall direct the Superintending Engineer (Rural Development) to inspect the building concerned and to submit his specific remarks based on the remarks of the Executive Engineer(Rural Development) concerned. The Director of Rural Development and Panchayat Raj shall pass his final orders based on the structural stability report of the Superintending Engineer (Rural Development).

(VII) This rule will not be applicable to individual assets such as Group Houses constructed under IAY scheme and individual household latrines constructed under Total Sanitation Campaign(TSC)."

14.Decisions such as demolition, construction, or structural alteration of school buildings can only be taken by the competent engineering authorities, after proper inspection and sanction. Therefore, the petitioner cannot take shelter on the resolution of the Parents Teacher Association, when the action lacks approval from the competent engineering and educational authorities.



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15.It is also to be noted that unfortunately, in practice, Parents Teacher Associations have deviated from their intended purpose. Office bearers are often chosen on political considerations. Individuals continue to hold office even after their wards have left the school, thereby diluting genuine parental representation. In some cases, Parents Teacher Association platforms are used as instruments for personal or political ends, rather than serving the institution.

16.The present case is a striking example. The petitioner himself admitted in the quash petition that political rivalry led to the complaint. He continued as President of the Parents Teacher Association even after his ward had completed studies in Kottaiappattinam Government Higher Secondary School. This runs contrary to the basic principle of Parents Teacher Association representation, which requires that only parents of current students should serve as office bearers. Instead of being a collective voice of parents for welfare of students, the Association here became a tool



for political contest, resulting in unauthorised demolition of a public building.

17.If Parents Teacher Associations are allowed to function in their true spirit, they can indeed be a boon to schools, strengthening cooperation, ensuring accountability in funds utilisation, and improving student safety and facilities. But when political or extraneous elements dominate, they distort the institution and create serious administrative and legal complications, as seen in the present case.

18.In fine, the Criminal Original Petition stands dismissed, granting liberty to the petitioner to raise all his defences before the trial Court, which shall dispose of the case on merits, uninfluenced by any observation herein.

19.This Court cannot overlook the larger issue emerging from the present case. The Parent Teacher Association (PTA), intended as a cooperative forum between parents and teachers, has been permitted to



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drift into a platform for political rivalry and unauthorised decision-making.

Such distortions are detrimental to the educational environment and the safety of students.

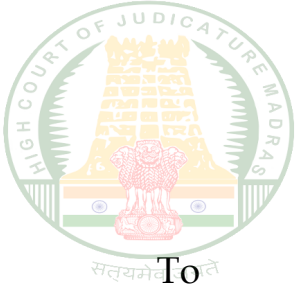
20. Accordingly, this Court is issuing the following directions:-

- The School Education Department shall issue appropriate instructions to all schools, mandating that only parents of current students are eligible to serve as office bearers of Parents Teacher Associations, and continuation of office by any person after his/her ward leaves the school shall be impermissible.
- Headmasters and Inspecting Officers shall verify the eligibility of Parents Teacher Association office bearers at the commencement of every academic year, and maintain a register to that effect.

Consequently, connected miscellaneous petition is closed.

Internet : Yes
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18.09.2025



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To
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- 1.The Inspector of Police,
Kottaiappattinam Police Station,
Pudukottai District.
- 2.The Chief Educational Officer,
Pudukottai.
- 3.The Principal District Judge,
Pudukottai.
- 4.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Chennai.



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B.PUGALENDHI, J.

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