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WP No. 31584 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23-06-2026

PRONOUNCED ON : 10-07-2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No. 31584 of 2024

and

WMP Nos. 34327 to 34329 of 2024

S.Jaishankar
S/o.G.Srinivasan,
63/27, Basaveswarappa Koil Street,
Kaspa-A, Ambur,
Thirupathur District – 635 802.

..Petitioner(s)

Vs

1. State through Secretary to the Government,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Principal Secretary and Commissioner of
Land Administration, Ezhilagam, Chepauk,
Chennai – 600 005.
3. The Director of Elementary Education
College Road, Subba Road Avenue,
Nungambakkam, Chennai – 600 006.
4. The Joint Director of Elementary Education
(Aided Schools), College Road,
Subba Road Avenue, Nungambakkam,
Chennai – 600 006.
5. The District Collector
Collectorate, Government Garden,
Thirupathur District, Thirupathur – 635 601.



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6. The Revenue Divisional Officer
Vaniyambadi Revenue Division, Teachers
Colony, Vaniyambadi,
Thirupathur District – 635 751.
7. The Sub-collector
Vaniyambadi,
Thirupathur District – 635 751.
8. The District Educational Officer
(Elementary Education),
Thirupathur – 635 601.
9. C.Duraiarasu
Pastor, India Evangelical Lutheran Church,
Thuthipet, Ambur Taluk,
Thirupathur District - 635 802.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 5th respondent in connection with the Impugned Order in COLREV- COLR/23217/2024-C2, dated 29.05.2024 passed by the 5th respondent, District Collector and quash the same and consequently direct the respondents 1 to 7 take over the management of India Evangelical Lutheran Church Primary School at Thuthipet Village, Ambur Taluk, Thirupathur District to comply with Section 3 of the Right of Children to Free and Compulsory Education Act, 2009 and issue such further or other orders or directions deemed fit and proper in the facts and circumstances of this case.

For Petitioner(s): Mr.M.Ramamoorthi

For Respondent(s): Mr.T.Gowthaman
Additional Advocate General
Assisted by Mr.R.Veeramani
Government Pleader
For R1 to R8

Mr.Ravi Kumar Paul



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WP No. 31584 of 2024



Senior Counsel
For M/s. Paul and Paul
For R9

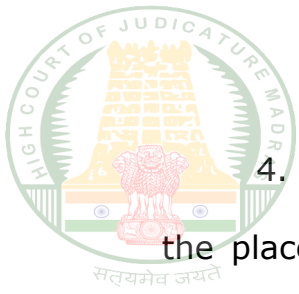
ORDER

G.ARUL MURUGAN, J.

This writ petition, styled as a Public Interest Litigation (PIL), is filed challenging the order of the 5th respondent/District Collector, dated 29.05.2024, and to consequently direct the official respondents to take over the management of India Evangelical Lutheran Church (IELC) Primary School, Thuthipet Village, Ambur Taluk, Thirupathur District.

2. According to the petitioner, the land measuring 6545 Sq.ft bearing Old Survey No.141A, New Survey No.337/27, in Patta No.264, originally belonged to a resident of the village. The land is classified as Sarkar Promboke. Approximately seventy years ago, he had gifted the said land for the purpose of establishing a primary school in the village. The school was subsequently established in the year 1991 as the IELC Primary School.

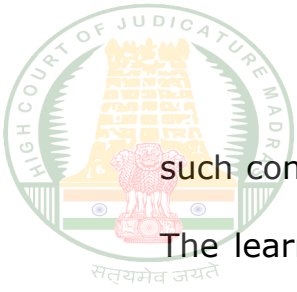
3. It is further stated that around 300 children were studying in the school from 1st to 5th standard. Mr.John Sundar, who was managing the school, passed away during the year 1992-1993, after which the 9th respondent took over the management.



4. In May 2023, the 9th respondent started constructing a church in the place where the IECL Primary School was functioning. For the said purpose, the 9th respondent intentionally reduced the student strength from 300 to 80, only for the purpose of closing down the school to construct the church. Based on the objection raised by the villagers, proceedings under Section 107 of the Criminal Procedure Code, 1973 was initiated by the 6th respondent/Revenue Divisional Officer, as the ninth respondent was illegally proceeding with the construction of the church.

5. It is further stated that the 9th respondent had illegally changed the classification of the land from 'Sakar Poromboke' to 'Ryotwari' in collusion with the revenue officials, who had no power to do so. Only after making repeated complaints, the petitioner came to know that the District Collector had passed an order stating that since only renovation/removal of an existing church was being undertaken, no requirement for getting approval was necessary. Hence, that communication is under challenge in the present petition with consequential relief.

6. The learned counsel for the petitioner would contend that the 9th respondent's attempt to close the school for the purpose of constructing a church is against the provisions of the Right of Children to Free and Compulsory Education Act, 2009, as the benefit of the children to undergo schooling would be taken away. It is further contended that a new church is proposed to be constructed only by closing down the school and for any



such construction, prior approval from the District Collector is mandatory.

The learned counsel also submitted that since the church is proposed to be located near an existing ancient temple, communal harmony in the village would be disrupted. Therefore, the attempt of the 9th respondent to construct a church will lead to breach of public peace and tranquility, resulting in law and order problem.

7. Per contra, Mr.T.Gowthaman, learned Additional Advocate General appearing on behalf of the official respondents, would submit that due inspections were conducted and it was found that allegations made are factually incorrect. He submitted that church has been in existence with the school for very long years and while the renovation of the church is undertaken, the school remains undisturbed. The IELC School, being a Government aided institution, is continuously functional and remains under the strict regulatory supervision of the Department of School Education. He further submitted that since the church has been in existence for at least the past 65 years, the apprehensions expressed by the petitioner are entirely misplaced. Placing reliance on the proceedings of the Secretary to Government dated 07.03.2024, the learned Additional Advocate General submitted that prior permission from the District Collector is mandatory only in respect of any new construction of the church.

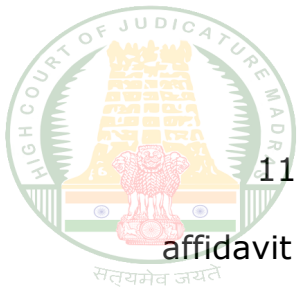
8. The learned Senior Counsel appearing on behalf of the 9th



respondent contended that the allegations made in the petition are entirely baseless. He further submitted that both the church and the school have been in existence all along. Only now, since the church is old and its structure is in dilapidated condition, necessary renovations are being made, while the school continues to function with sufficient place and infrastructure as prescribed under the regulations. Further, the learned Senior Counsel submitted that there are around 56 families comprising 290 members, who have been participating in the prayer here for decades. The allegation that village harmony would be disturbed is completely without merit and the present writ petition has been filed only with a vested interest.

9. Heard the learned counsel for the petitioner, the learned Additional Advocate General for the official respondents and the learned Senior Counsel for the 9th respondent. This Court has carefully considered the rival submissions made and perused the materials available on record.

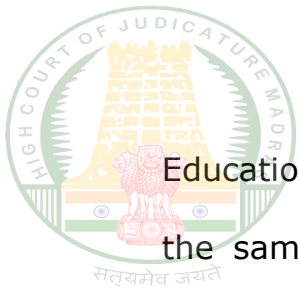
10. The main grievance of the petitioner is that the Government property is being illegally utilized by the 9th respondent for construction of the church and further the school which is running was sought to be closed for the purpose of putting up construction of the church. The petitioner further contends that prior approval from the District Collector is mandatory for putting up any such construction.



11. The Revenue Divisional Officer has filed a detailed counter affidavit along with the supporting documents. A perusal of the revenue register and documents reveals that as per the Updating Data Registry (UDR), an extent of 608 Sq.m of land in Survey No.337/27 of Thuthipet Village, Ambur Taluk, Thirupathur District, stands registered in the name of Church Trust. The patta has also been issued in the name of the church. Therefore, from the documents produced, it is evident that the subject property belongs exclusively to the church.

12. As regards the allegation that the 9th respondent intends to close down the school, it is pertinent to note that IELC School is a Government aided institution operating since 1961. The District Educational Officer (Elementary Education) conducted a detailed inquiry and filed a counter affidavit clarifying that out of the total extent of 6,544 Sq.ft of the land available with the church, existing 4,564 Sq.ft is dedicated to school purposes, while only 1,980 Sq.ft is being utilized for the renovation of the church.

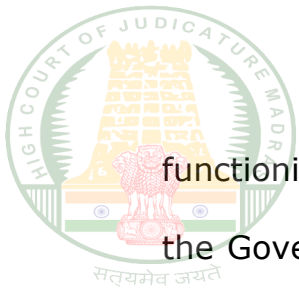
13. In the above land, out of the total extent of 4,564 Sq.ft, allocated for school built-up structures comprising three classrooms, Headmaster's room, a Kitchen and toilets were constructed in 1711 Sq.ft and the remaining 2853 Sq.ft is being used as playground in the school. There are around seventy-five students studying in the IELC Primary School. Further, as per the counter affidavit filed by the District



Educational Officer, both the school and the church were functioning in the same premises right from the year 1961 and the current student strength and the land infrastructure provided satisfy the statutory norms prescribed under the Tamil Nadu Private Schools (Regulation) Rules, 2023. The relevant portion is extracted hereunder:

"7. It is humbly submitted that an enquiry the following facts were ascertained, the IELC Aided Primary School, Thuthipet village was situated at old survey no.141/A, new survey no.337/27 measuring to an extent of 6544 sq.ft. Out of the total extent, 4564 sq.ft is used for school purpose and in the remaining 1980 sq.ft an expanded church was constructed. Out of the 4564 sq.ft, three classrooms, Headmaster room, kitchen and toilets were constructed in 1711 sq.ft. and the remaining 2853 sq.ft is being used as playground and for school prayer assembly. Presently, seventy five (75) students were studying in IELC Primary school, Thuthipet. Since 1961, the school and church were functioning in the same premises. Currently, the expanded and renovated church is being constructed only in that 1980 sq.ft. The construction of church has no impact on the functioning of the school. The Tamil Nadu Private Schools (Regulation) Rules, 2023 states that the school shall provide a minimum of 10 sq.ft. per pupil and 40 sq.ft. for a teacher in a classroom. Thus, there was sufficient space in the school for accommodating 75 students."

14. From the reports filed by the Revenue Divisional Officer and District Educational Officer, it is evident that both the church and the school have been in existence on the same premises since at least 1961,



functioning in the same premises. The apprehension of the petitioner that the Government aided IECL Primary School is being closed down to build a church is completely misplaced and baseless.

15. As per Standard Operating Procedure (SOP) issued by the Principal Secretary, in Letter No.4390/L&O.B/203 dated 07.03.2024, only for construction of a new church, prior permission of the District Collector is required, and such permission is not required for renovation or structural repair of an existing church.

16. In view of the SOP, the District Collector issued proceedings dated 29.05.2024, intimating the Revenue Divisional Officer that no approval is required for renovation of an existing church, and it is sufficient that necessary plan approval is obtained from the local body. Consequently, the 9th respondent had obtained approval from the local body on 25.06.2024 for the purpose of renovating the church. It is to be noted that as per the report of the Revenue Divisional Officer, prayer is conducted in the church every Sunday, where 56 families comprising 290 members are participating.

17. Furthermore, the IELC School, a Government-aided institution, is operating upto 5th standard and the 9th respondent in administration is taking steps to upgrade it to 8th standard. Since both the school and the church have been in existence right from year 1961, the apprehension



expressed by the petitioner that this expansion will lead to a breach of peace is entirely baseless and misconceived.

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18. In view of the above deliberations, there is no merit in the relief sought in the writ petition, and accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

10-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Jeni

To

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State, Department of School Education,
Fort St.George, Chennai – 600 009.

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