

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 7811 of 2013 (B)

PETITIONER(S):

**GEORGE, AGED 66 YEARS,
S/O. UMMAN, KURISUMMUTIL HOUSE,
KALAYANTHANI P.O., VETTIMATTOM, IDUKKI-685 588.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SMT.PREETHY KARUNAKARAN,
SRI.K.RAVI (PARIYARATH),
SRI.K.R.ARUN KRISHNAN,
SRI.SAYED MURTHALA THANGAL.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
THODUPUZZHA-685 584.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
THODUPUZZHA-685 584.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER ,
THODUPUZZHA, PIN-685 584.**
- 5. THE VETTIMATTOM GRAMA PANCHAYATH ,
REP. BY ITS SECRETARY, PANNIMATTOM P.O.,
THODUPUZZHA, IDUKKI DISTRICT, PIN-685 588.**
- 6. THE DISTRICT PANCHAYATH,
IDUKKI, REPRESENTED BY ITS SECRETARY,
VAZHATHOPPU P.O., IDUKKI DISTRICT.**

WP(C).No. 7811 of 2013 (B)

**7. THE LOWER PRIMARY SCHOOL ,
VETTIMATTOM, KALAYANTHANI P.O.,
REPRESENTED BY ITS HEADMISTRESS,
IDUKKI DISTRICT-685 588.**

**R1 TO R4 BY GOVT. PLEADER SRI.NOUSHAD THOTTATHIL.
R5 BY ADVS. SRI.MATHEWS K.UTHUPPACHAN,
SRI.TERRY V.JAMES,
SRI.TOM THOMAS (KAKKUZHIYIL).
R6 BY ADVS. SRI.UNNIKRISHNAN V.ALAPATT, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPY OF THE SKETCH OF THE PROPERTIES AS VESTED IN THE SCHOOL DATED 12.05.1986.
- P2 : COPY OF THE COMMUNICATION ISSUED BY THE PEPPER RESEARCH OFFICER DATED 04.10.1968.
- P3 : COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT, DATED 02.01.2010.
- P4 : COPY OF THE ORDER ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM, DATED 03.06.2005.
- P5 : COPY OF THE RELEVANT PAGE OF THE BASIC TAX REGISTER ISSUED BY THE VILLAGE OFFICER, ALAKODE, DATED 29.01.2013.
- P6 : COPY FO THE LAWYER NOTICE ISSUED DATED 05.02.2013.
- P7 : COPY OF THE RECEIPT ISSUED IN CONNECTION WITH EXT.P6 DATED 05.02.2013.
- P8 : COPY OF THE REPLY NOTICE ON BEHALF OF THE PANCHAYATH DATED 27.02.2013.
- P9 : COPY OF THE REQUEST OF THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 28.02.2013.
- P10: COPY OF THE POSTAL RECEIPTS DATED 02.03.2013.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J

WPC No.7811 of 2013

Dated this the 18th day of March, 2015

JUDGMENT

Alleging that there is an attempt on the part of respondents 5 and 6 to use the property of the PLP School, Vettimattom for the purpose of the respondent Panchayat, the petitioner has come up before this Court.

2. The petitioner is the President of the Samrekshana Samithi of the PLP School. The school was commenced under the aegis of the Panchayat. However, in 2010, the Government took over the same and at present, it is a Government School. The petitioner points out that there is an attempt on the part of the District Panchayat and Grama Panchayat to use a portion of the same for the purpose of construction of Karshika Vipana Kendram and to provide the same to outsiders. This, according to the petitioner, is illegal. According to the petitioner, the property of the school can be used only for the school. Hence, the writ petition.

3. In the counter affidavit filed by the first respondent, it was contended as follows:

The school was started on 6.6.1955 under the jurisdiction of Grama Panchayat. At the beginning, the school has 66 cents of land provided by a person at free of cost. Later, in 1966, Vettimattom Pepper Research Centre under the Agriculture Department also provided 1 acre 2 cents of land to the Vettimattom Panchayat for the use of the Panchayat L.P.School. Thus, now, the school has 1 acre and 68 cents of land.

As per G.O.(MS) No.2/2010/G.E. dated 2.1.2010, 104 schools run by the local bodies were taken over by the Government. As per Circular No.N(4)36592/05 dated 3.6.2005 of the Director of Public Instruction, it is clearly stated that the Government School properties could not be used for any other purpose other than educational needs.

It is stated that the Panchayat has unanimously taken a decision to hand over the school properties to construct Community hall and Vipananakendram which is

not enough to support to educational needs of public.

Orders were existing not to use the school properties other than educational purpose. As per G.O.(MS) No.2/2010/G.E dated 2.1.2010, 104 schools managed by the local bodies were taken over by the Government. Hence, all such schools can be considered as Government schools. As per G.O.(P) No.1503/2002/G.E. dated 7.6.2002, it is clearly specified that Government school buildings and properties could not be used for the purpose other than educational needs.

4. Arguments have been heard.

5. It appears from record that the respondent Panchayat has now taken a decision to hand over the school properties to construct Community hall and Vipananakendram. The same is not intended to support the educational needs of the public. Being a Government school, the property is vested with the Government and the Panchayat has no role in dealing with the property at present. The present move is against the circular issued by the DPI that the school properties cannot be used for

any purpose other than educational needs.

6. As it is evident that the move of the respondent Panchayat is to construct a Karshika Vipananankendram which is not intended for educational needs, this Court is of the view that the petitioner is entitled to succeed.

In the result, this writ petition is allowed. Ext.P8 is quashed. The respondents are directed to ensure that the school and its properties are not parted with either by way of parting of possession or by inter-meddling with the same. The respondents are also directed not to use the school properties for the purposes other than the educational needs.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE