

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.330 of 2015
and
M.P.No.1 of 2015

A.Justine Arokkiayaraj ... Appellant

Vs.

- 1.The District Collector,
Villupuram District.
 - 2.The Deputy Director of Health Services,
Government Primary Health Centre,
Kallakurichi, Villupuram District.
 - 3.The Block Medical Officer,
Mugaiyur, Thirukkivilur Taluk,
Villupuram District-605 755.
 - 4.The Tahsildar,
Thirukkivilur Taluk,
Villupuram District-605 755.
 - 5.The Block Development Officer,
Thirukkivilur Taluk,
Villupuram District-605 754.
 - 6.The President,
Arcadu Village Panchayat,
Thirukkivilur Taluk,
Villupuram District-605 755.
 - 7.The Station House Officer,
Aragandanallur Police Station,
Thirukkivilur Taluk,
Villupuram District-605 754.
- .. Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 12.1.2015 made in W.P.No.32917 of 2014. This writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus to forbear the respondents from initiating any construction work at the School Playground comprised in Survey No.156/37 situated at Arcadu Village, Thirukkivilur Taluk, Villupuram District thereby interfering with the school activities based on the petitioner's representation dated 25.08.2014.

For Appellant : Mr.A.Ramalingam

For Respondents : Mr.N.Sakthivel, GA

JUDGMENT

(Judgment of the court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 12.01.2015 passed in W.P.No.32917 of 2014.

2. The appellant, who was the writ petitioner, came up with the writ petition, seeking writ of mandamus to forbear the respondents from initiating any construction work at the School playground comprised in S.No.156/37 situated at Arcadu Village, Thirukovilur Taluk, Villupuram District.

3. The case of the writ petitioner before the writ court as well as before us is that the writ petitioner is a minority institution. The open space was used by the petitioner school as a playground. Now, the Government proposes to construct a Primary Health Centre on the said ground. The writ petitioner does not dispute the fact that the land belongs to the Government. However, it is submitted that the petitioner was in permissive occupation for the purpose of playground. It is next contended that the playground is the necessary requirement for the development of students and school. Thus, the Government be restrained from taking up construction of Primary Health Centre in the land in question.

4. The learned Single Judge, having regard to the fact that indisputably, the land in question does not belong to the petitioner school and the same is the Government land, granted liberty to the writ petitioner to make a representation before the fourth respondent and in turn, the fourth respondent was directed to consider the representation and pass orders on merits and in accordance with law.

5. We have examined the facts from all angle and also considered the submissions of the learned counsel for the parties.

6. The writ petitioner does not dispute the finding of the learned Single Judge that the land in question is the Government land. The school might be using the land as playground, as it was an open space. Accordingly, the petitioner institute was granted permission to make a representation before the authorities, seeking redressal of its grievance. Thus, there is no flaw in the order sought to be impugned in the writ appeal.

7. As a result, the appeal, being devoid of merits, is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

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1 cc to Government pleader SR.12721

+ 1 cc to M/s. A. Ramalingam, Advocate Sr.12724

W.A.No.330 of 2015

CA(CO)
Eu 21.03.15