

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.20560 of 2015

Rahmath Girl's Matriculation

Hr. Sec. School

Represented by its Correspondent

Abdul Kassim Nagar

140, Pattukottai Road

Muthupettai 614 704

Thiruvarur District

.. Petitioner

vs

Muthupettai (Selection Grade)

Town Panchayat

Represented by its President

Muthupettai 614 704

Thiruvarur District

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to consider and pass orders on the representation of the petitioner School dated 26.6.2015, requesting to grant maintenance permission to enable the petitioner to maintain the garden in the Government Poramboke and the Over Bridge constructed by the petitioner on the canal at S.F.No.230 of Duraikadu Village, Muthupettai Taluk, Thiruvarur District.

For Petitioner

: Mr.K.Doraisamy

Senior Counsel

for M/s.Muthumani Doraisamy

For Respondent

: Mr.V.Subbiah

Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit filed in support of this writ petition, would state that he is the Correspondent of the petitioner-School viz. Rahmath Girls' Matriculation Higher Secondary School, Muthupettai, Thiruvarur District, and it is catering to the needs of girl students, particularly those, who are hailing from economically weaker section of the society, and as on today, 1,400 girls are studying in the school and out of them, 200 girls are staying in the hostel and continuing their studies. He would further

state that in between the main gate of the petitioner-school and Pattukottai Main Road, there exists a Government poramboke land and a canal and the said place was occupied by the encroachers and they were causing hindrance to the public especially, to the girl students, who are studying in the school, and the petitioner on it's own volition, took up efforts to evict the encroachers by providing them with alternate site at their own cost and after evicting them, they are maintaining the said poramboke land as a garden and the petitioner having found some miscreants again encroaching the said Government land, has approached the respondent in the form of a representation dated 26.6.2015, seeking permission to maintain the said land, and since no orders have been passed, came forward to file this writ petition.

3.The learned Senior Counsel appearing for the petitioner, would submit that the petitioner has made the said request purely in public interest and also taking into consideration the sanctity of the institution and the welfare of the girl students, who are attending the school, and apart from seeking permission to maintain the said place, will not claim any right by virtue of the same.

4.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondent, also.

5.This Court, without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 26.6.2015, on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as to the persons concerned, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nsv

To:

The President
Muthupettai (Selection Grade)
Town Panchayat
Muthupettai 614 704
Thiruvarur District

4 ccs to M/s. Muthumani Doraisamy, Advocate, Sr. 34883

W.P.No.20560 of 2015