

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.5831 OF 2015

N. Rajini

.. Petitioner

Versus

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Directorate of School Education,
College Road, Nungambakkam, Chennai.
3. The Special Tahsildar,
Adi Dravidar Welfare
Sriperumbudur Taluk,
Kancheepuram District.
4. The District Adi Dravidar and Scheduled Tribes Welfare Officer,
Adi Dravidar and Scheduled Tribes Welfare Officer,
Kancheepuram District.
5. The Head Master,
Adi Dravidar Welfare Govt.School,
No.52, Moulivakkam Village,
Sriperumbudur Taluk,
Kancheepuram District.

.. Respondents

* * *

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to NA.KA.No.30492/14/J1, dated 04.09.2014 passed by the 4th respondent/Schedule Caste and Schedule Tribes Welfare Officer, Kanchipuram and quash the same and consequently direct the respondents to grant compensation for illegally constructing Adi Dravidar Welfare Govt School in S.No.18/6, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District.

* * *

For Petitioner : Mr.N. Saravanan,

For Respondents: Mr. S.Gunasekaran
Government Advocate

O R D E R

Heard Mr.N.Saravanan, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice, for the respondents.

2. With the consent of either side, the writ petition itself is taken up for disposal.

3. The petitioner has filed this writ petition challenging the order passed by the 4th respondent dated 04.09.2014 and to direct the respondents to grant compensation for construction of a Government school in S.No.18/6, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District.

4. The petitioner would state that the school should not have been constructed in the land and she was in occupation of the land and as she has been dispossessed without compensation, she is entitled for the relief sought for. In this regard, a representation was given to the authorities on 06.08.2013. Since the representation was not disposed of, the petitioner approached this court by filing W.P.No.25872 of 2013 which was disposed by order dated 09.04.2014 by directing the authorities to consider the representation. Pursuant thereto, the 4th respondent has rejected the petitioner's representation and declined to grant any compensation. Aggrieved by the same, the petitioner has filed an appeal to the first respondent on 07.10.2014.

5. Though the petitioner has not produced any rule or regulation to show that as against the order passed by the respondent, an appeal lies to the first respondent, the first respondent could consider the appeal petition as if it is a representation given, being aggrieved by the order passed by the fourth respondent.

6. In the light of the above facts, there will be a direction to the first respondent to consider the petitioner's appeal/representation dated 07.10.2014, and after conducting an enquiry by affording an opportunity of personal hearing to the petitioner and other parties pass appropriate orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
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College Road, Nungambakkam, Chennai.
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5. The Head Master,
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No.52, Moulivakkam Village,
Sriperumbudur Taluk,
Kancheepuram District

+1 cc to Mr.N.Saravanan, Advocate,SR.12520

+1 cc to Government Pleader,SR.12164.

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ORDER IN
W.P.NO.5831 OF 2015