

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.10.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.27614 of 2012

S.Sowriyappan

.. Petitioner

vs.

1. The District Elementary Educational Officer
Office of the District Educational Officer
Salem District
2. The Assistant Elementary Educational Officer
Kolathur, Mettur Dam -1, Salem District
3. The Panchayat Officer
Kolathur Town Panchayat
Kolathur, Mettur Taluk
Salem District

... Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 23.4.2012.

For petitioner : Mr.T.Arockia Dass

For respondents : Mr.R.Ravichandran

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 23.4.2012 and to pass appropriate orders thereon.

3. A counter affidavit, dated 25.9.2015, has been filed on behalf of the Commissioner, Panchayat Union, Kolathur, denying the allegations made by the petitioner in the affidavit filed in support of the writ petition. Paragraph 6 of the said counter affidavit reads as follows:

"6. I submit that now panchayat is planned to start library, playground, service centre community hall. Noon meal centre, anganwadi centre, primary school, middle school and higher secondary school in the future. In the gifted properties panchayat is taking steps to mobilize land for this purpose. Hence the writ petition filed by the petitioner not maintainable in law. The intention of execution of gift deed will be achieve by the panchayat union in future hence the panchayat union very much need the land for education purpose and other public purpose. Based on the undertaking given by the respondent, the writ petition may be closed."

4. In view of the statements made in paragraph 6 of the counter affidavit, dated 25.9.2015, filed on behalf of the Commissioner, Panchayat Union, Kolathur, this Court is of the considered view that the relief prayed for by the petitioner, in the present writ petition, cannot be granted. Hence, the writ petition stands dismissed. No costs.

sd/-

ASSISTANT REGISTRAR (CS-IV)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

lan

To:

1. The District Elementary Educational Officer
Office of the District Educational Officer
Salem District

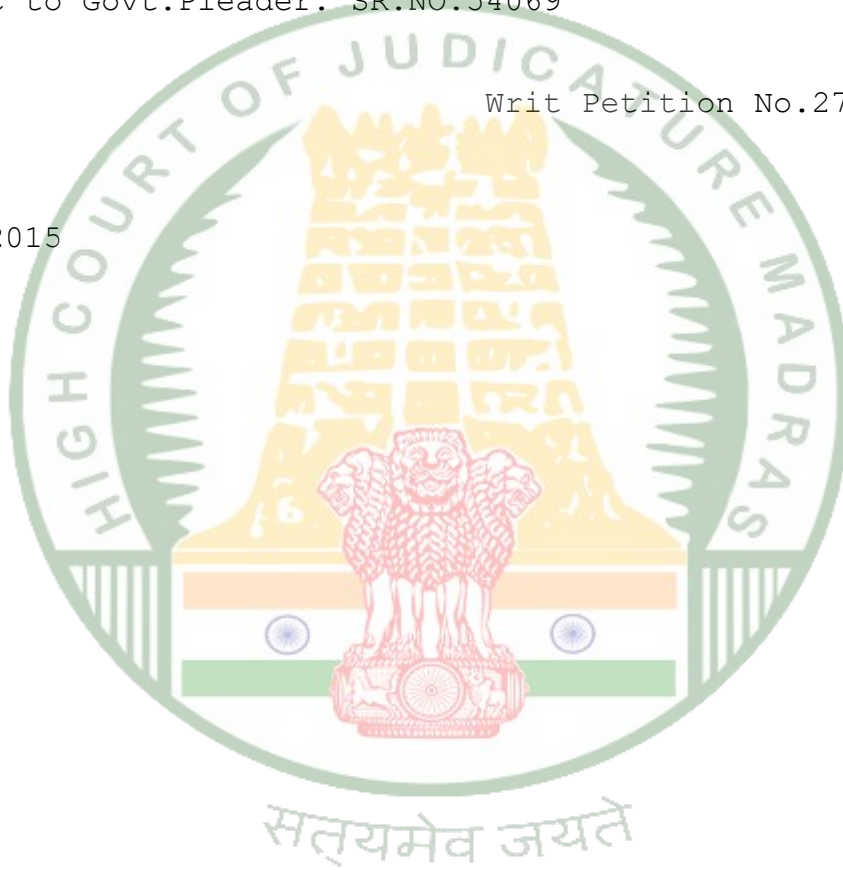
2. The Assistant Elementary Educational Officer
Kolathur, Mettur Dam -1, Salem District

3. The Panchayat Officer
Kolathur Town Panchayat
Kolathur, Mettur Taluk
Salem District

+1 CC to M/s.Dass Law Associates. SR.NO. 53842
+1 CC to Govt.Pleader. SR.NO.54069

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CO-KGK
JD 16/10/2015



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