

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.14610 of 2014
and M.P.Nos.1 and 2 of 2014

B.Harikrishnan .. Petitioner

-vs-

1.The Secretary to Government,
Revenue Dept., Fort St. George,
Chennai.

2.The District Collector,
Thiruvallur.

3.The Thasildar
Ambattur Taluk, Ambattur,
Chennai 600 053.

4.The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

5.The Secretary,
Central Board of Secondary Education,
Shikshar Kendra, 2, Community Centre,
Preet Vikar, Vikar Marg,
Delhi 110 092.

6.Annai Violet International School,
Redhills Road, Pudur,
Ambattur, Chennai 600 053.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondents to take appropriate action pursuant to letter in proceeding No.2512/2012/C1 dated 04.10.2013 of the 3rd respondent within a stipulated time limit.

For Petitioner : M/s.Malarvizhi Udayakumar

For Respondents : Mr.T.N.Rajagopalan,
Spl.G.P. For RR 1 to 3

: Mr.K.Raja Srinivas for RR 4,

: Mr.P.Ramanathan
for Mr.R.Mohan for R-6

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The present petition seeks to make out a case of public interest litigation, but on perusal of pleadings and hearing the learned counsel for parties, it is quite obvious that there is something more to it than public interest litigation. This is really a battle over a land which was originally given for setting up of an orphanage for poor widows and destitute women. The case of the petitioner is that the land is sought to be utilised for profit motive by construction of an international school and the buildings sought to be brought up are without sanction. Some proceedings are also initiated by the Tahsildar, Ambattur, dated 04.10.2013 and it appears from the averments that there has been segregation of land to carry on the orphanage while the remaining land has been put to use by the school.

2.It is the case of the sixth respondent / private party that the school has been constructed in furtherance of the welfare of the orphanage and to generate funds for the same. Thus, what is really required to be done is for a decision to be taken by the concerned authorities after notice to all concerned so that this issue does not fester any longer.

3.Learned counsels appearing for the respondent authorities state that the District Collector / second respondent would be the appropriate authority for the same.

4.We, thus, direct the District Collector / second

respondent to enquire into the controversy and pass an order in accordance with law after notice to all concerned within a maximum period of four (4) months, as prayed for, from the date of receipt of the order.

5.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2014 stand closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary to Government,
Revenue Dept., Fort St. George,
Chennai.
 - 2.The District Collector,
Thiruvallur.
 - 3.The Thasildar
Ambattur Taluk, Ambattur,
Chennai 600 053.
 - 4.The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
 - 5.The Secretary,
Central Board of Secondary Education,
Shikshar Kendra, 2, Community Centre,
Preet Vikar, Vikar Marg,
Delhi 110 092.
- 1 cc to M/s.Malarvizhi Udayakumar, Advocate, sr.42877
1 cc to M/s.K.Rajashrinivas, Advocate, sr.42801
1 cc to M/s.R.Mohan, Advocate, sr.42737
1 cc to Government Pleader, sr.42895

W.P.No.14610 of 2014

rp co

kra 16.08.2016