

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9994 of 2016

Parent Teacher Association
Government High School,
Gondapuram,
Uthangarai (Taluk)
Krishnagiri (District) - 635 307
rep. by its President.

... Petitioner

Vs.

1.The District Collector, Krishnagiri.

2.The Chief Educational Officer,
Krishnagiri District.

3.The President,
Govindapuram Village,
Uthangarai Taluk,
Krishnagiri District.

4.The Government High School,
Govindapuram,
Uthangarai Taluk,
Krishnagiri District,
PIN: 635 307.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 to 3 to proceed with the implementation of the recommendation of the fourth respondent made in Na.Ka.No.85/2016 dated 12.01.2016 for the purpose of using the adjacent land in Survey No.32-1B for the school usage.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mrs.P.Rajalakshmi, Govt.Advocate

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing respondents 1 to 3 to

implement the recommendation of the fourth respondent school made in Na.Ka.No.85/2016 dated 12.01.2016 for using the adjacent land in Survey No.32-1B for the school purpose.

2. The facts of the case, as per the averments made in the writ petition, are as follows:

2.1 The petitioner is the Parent Teacher Association of the Government High School, Govindapuram, Uthangarai Taluk, Krishnagiri District and the same consists of the representatives of the teaching faculties of the concerned school along with the parents of the wards studying in the school and also from the public. Originally, the said Government High School was started as a Primary School. Thereafter, the second respondent, by the proceedings in Na.Ka.No.7172/A2/2011 dated 12.12.2011, upgraded the existing school as High School along with 42 other schools in the District. The said up-gradation was only to the level of introducing new class rooms alone.

2.2 Since the infrastructure of the petitioner's school was not improved due to non-availability space, the school authorities have intended to shift the existing school to a new place, which is in a far away place, instead of acquiring the adjacent poramboke land in S.No.32/IB belonging to the third respondent Village Panchayat. Therefore, the petitioner along with the villagers made a detailed representation to the District Collector, Krishnagiri, stating about the availability of nearby land in S.No.32/IB and to use the same for school purpose. However, no fruitful steps were taken for the up-gradation of the school in the existing place.

2.3 While so, the petitioner convened a meeting on 12.01.2016 and in the said meeting, a resolution was passed to use the nearby land for the purpose of developing the school. The fourth respondent School also convened a School Management Development Committee and conducted a meeting on 12.01.2016. In the said meeting, a recommendation was made in the presence of the representatives of the petitioner, local councillors and social workers, to the effect of using the land in S.No.32/IB for school purpose and the same was forwarded to the second respondent by a communication of the fourth respondent in Na.Ka.No.85/2016 dated 12.01.2016. Further, the land in question being vested with the third respondent, the third respondent has come forward to bequeath the same, as per law and he has also authorised for transfer of the alternative use of poramboke land found in the village. Therefore, the petitioner along with the villagers made a detailed representation dated 12.02.2016 to (i) the Hon'ble Chief Minister Special Cell, (ii) District Collector, Krishnagiri, (iii) District Educational officer, Krishnagiri (iv) DRO, Krishnagiri and (v) Tahsildar, Uthangarai, requesting them

to use the land in question and construct a school. However, the said representation was not considered so far, which compelled the petitioner to come forward with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the claim made by the petitioner, directs respondents 1 to 3 to consider the petitioner's representation dated 12.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, on merits and in accordance with law and also in the light of the recommendations made in the communication of the fourth respondent bearing No.Na.Ka.85/2016 dated 12.01.2016. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector, Krishnagiri.
- 2.The Chief Educational Officer,
Krishnagiri District.
- 3.The President, Govindapuram Village,
Uthangarai Taluk, Krishnagiri District.
- 4.The Government High School,
Govindapuram, Uthangarai Taluk,
Krishnagiri District, PIN: 635 307.

+ 1 cc to The Govt.Pleader, Sr 19371
+ 1 cc to Mr.J.Pradeep, Advocate Sr 19334

KR/25/4/16

W.P.No.9994 of 2016