



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.15145 of 2016

Mariappan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District.
- 2.The Assistant Elementary Educational Officer,
Kariyapatti, Virudhunagar District.
- 3.The District Elementary Educational Officer,
Virudhunagar District.
- 4.The District Library Officer,
Virudhunagar District.
- 5.The Tahsildar,
Kariyapatti Taluk Office,
Virudhunagar District.
- 6.The President,
Kadamangalam Village Panchayat,
Kariyapatti Taluk, Virudhunagar District.
- 7.Murugan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the illegal occupation made by the 7th respondent in the village school building at Mukulathar School Keela Uppligundu based on petitioners representation dated 10.05.2016.

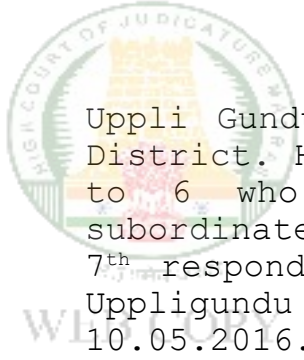
For Petitioner	: Mr.K.R.Singaravadivel
For Respondents 1-6	: Mr.M.Alagadevan, Special Government Pleader.

ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

<https://hcservices.ecourts.gov.in/hcservices/>

This writ petition is instituted by a resident of Keela



Uppli Gundu of Melauppligundu Post, Kariapatti Taluk, Virudhunagar District. He sought for writ of mandamus to direct the respondents 1 to 6 who are the District Collector and his various other subordinate officers, to remove the illegal occupation made by the 7th respondent in the school building at Mukulathar School, Keela Uppligundu based on the petitioner's representation, dated 10.05.2016.

2. At the outset, we are of the opinion that this writ petition is not instituted to propel any public interest or to espouse any public grievance. Apparently, it has been instituted because of the animosity which the writ petitioner has towards the 7th respondent. The relevant facts are very briefly narrated in this writ petition. But however, it is learnt that there was a school constructed in the village by the Government and it is the assertion of the petitioner that the local people also gave financial support for construction of such school building. No further details are furnished as to when the school building was constructed and as to how much was the contribution made by the villagers for such construction etcetera.

3. But however, it appears that at one point of time, there were 500 students studying in the school but the students started dropping out of the school which forced the State administration to shift the school to some other viable location and the teachers who were working were transferred to different schools wherever their services are needed. Therefore, it appears that the seventh respondent started running a library in the said premises. It is further asserted that the school building is maintained by the panchayat board utilising it as a marriage hall and for parking two wheelers and four wheelers. It is also being used as some kind of warehouse for purpose of storing gift items etc., which the State Government announces for distribution to the citizens of the State. Now, the grievance of the petitioner is that part of the school building is being utilised by the seventh respondent as library.

4. When we have enquired the learned counsel for the petitioner as to whether the seventh respondent is charging any money from the villagers either for maintaining the library or for granting admission thereto, learned counsel for the petitioner is fair enough to disclose that no such money is collected by the seventh respondent.

5. In view of what has been noticed by us, this writ petition is a frivolous one. But however, we direct the District Collector, Virudhunagar District to call for an appropriate report as to how a school building is permitted to be run as a marriage hall or to be utilised for some other purpose which has nothing to do with educational activities. This apart, if the seventh respondent is conducting a library in the school premises without charging the visitors or the local residents, he may authorise such library to be run but not otherwise.



6. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District.
2. The Assistant Elementary Educational Officer,
Kariyapatti, Virudhunagar District.
3. The District Elementary Educational Officer,
Virudhunagar District.
4. The District Library Officer,
Virudhunagar District.
5. The Tahsildar,
Kariyapatti Taluk Office,
Virudhunagar District.

+1cc to M/S Special Government Pleader, Sr No. 46139

+1 cc to Mr.K.R.SINGARAVADIVEL ,Advocate, Sr.No: 45546

jam/29.08.16/DB/3P-8C

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