

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

and

THE HON'BLE Mr. JUSTICE M.SUNDAR

W.P.No.25477 of 2017

and

W.M.P.No.26915 of 2017

P.M.Lakshmanan ... Petitioner

Vs.

1.The Collector,
Salem District, Salem.

2.The District Youth Affairs and
Sports Welfare Officer,
Salem District, Salem.

3.The Executive Engineer,
Public Welfare Department,
Construction (C & M) Division,
Salem.

4.The Director,
The Directorate of Technical
Education, Guindy,
Chennai - 25.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider and pass orders on the representation of the petitioner dated 08.09.2017 and direct the respondents to implement the scheme viz., Rajiv Gandhi Khel Abiyan (RGKA) as per the proceedings in Na.Ka.136/2012 on the file of the second respondent dated 20.07.2015 for constructing

the indoor and outdoor stadium in the Government Boys Higher Secondary School, Vanavasi and not to construct any Polytechnic College or educational institution in the land reserved for indoor and outdoor stadium.

For Petitioner	:	Mr.V.Elangovan
For Respondents	:	Mr.Vijay Narayan, Advocate General assisted by Mr. T.N.Rajagopalan, Govt. Pleader (I/c) assisted by Mr.Gautham venkatesh

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This public interest litigation has been filed by the petitioner seeking to implement the scheme viz., Rajiv Gandhi Khel Abiyan as per the proceedings of the second respondent dated 20.07.2015 which is meant for construction of indoor and outdoor stadium in the Government Boys Higher Secondary School, Vanavasi as against the proposed construction of polytechnic college.

2.From the counter affidavit filed by the first respondent, it is clear that there are 18.5 acres of land vested with the respondents, out of which, this 22 acres has been earmarked for the purpose of constructing the Government Polytechnic College at Vanavasi. Therefore, excluding the above 6.22 acres, the remaining extent of about 12.28 acres is still available.

3.In paragraph 6 of the counter affidavit, the following statement has been made:

"6.....Out of 18.5 acres land vested with Government Higher Secondary School, Vanavasi, the remaining extent with exclusion of 6.22 acres for Government Polytechnic College would be utilized to implement the above said scheme."

4.Construction of a Government Polytechnic College is in public interest. There is no law which mandates the entire 18.5 acres will have to be utilised as suggested by the petitioner. Even otherwise, there are sufficient lands available.

5.Accordingly, the writ petition stands disposed of by directing the respondents to consider the utilisation of 12.28 acres or the other extent of land available in Survey No.247 with an extent of 4.39.5 hectacres which has been classified as 'Meichal Tharai' for the purpose of converting it as an indoor

and outdoor stadium or playground as the case may be. No costs.
Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Collector,
Salem District, Salem.
- 2.The District Youth Affairs and
Sports Welfare Officer,
Salem District, Salem.
- 3.The Executive Engineer,
Public Welfare Department,
Construction (C & M) Division,
Salem.
- 4.The Director,
The Directorate of Technical
Education, Guindy, Chennai - 25.

+1 CC to Government Pleader, High Court, Chennai Sr.No.76945

+1 CC to Mr.S.Dorai Samy, Advocate Sr.No.76635

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RR(CO)
KP(21.11.2017)

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