

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.16417 of 2017
and W.M.P.No.17757 of 2017

K.C.Kaliappan ... Petitioner

-vs-

- 1.The District Collector,
O/o District Collector,
Tirupur District, Tirupur.
- 2.The District Educational Officer,
Tirupur District, Tirupur.
- 3.The District Medical Officer,
Tirupur District, Tirupur.
- 4.The Assistant Elementary School
Educational Officer, Utthukuli,
Tirupur District.
- 5.The Thasildar
Uthukuli Taluk, Tirupur District.
- 6.The Block Development Officer,
Uthukuli Taluk, Tirupur District.
- 7.The Assistant Director,
Rural Development, O/o District
Collector, Tirupur District, Tirupur.
- 8.The Village Administrative Officer,
Velliravelli Panchayath, Uthukuli
Taluk, Tirupur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from proceeding with the proposal constructing Primary Health Care Centre and hospital or any building other

than the school building in the Panchayath Union Elementary school premises situated in Survey No.89/8A and 89/8B in Patta No.277, measuring an extent of 3 acres and 5 cents within the limits of Velliveli Revenue Village, Kunnathur Village, Uthukuli Taluk, Tirupur Districts, on considering the petitioner's representation dated 29.05.2017 and consequently direct the respondents to use the land as play ground or for school puporse.

For Petitioner : Ms.M.Pushpavalli

For Respondents : Mr.R.Vijayakumar
Addl. Govt. Pleader

O R D E R

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

This writ petition has been filed by way of public interest litigation seeking orders restraining the respondents from putting up any construction apart from the school building at the Panchayat Union Elementary School premises in S.No.89/8A and 89/8B, Velliveli Revenue Village, Kunnathur Village, Uthukuli Taluk, Tirupur District.

2.The petitioner has alleged that the land on which the school is situate was donated by one Smt.Thiyagi Nallammal to the Panchayat for education purpose of constructing a school.

3.It is the case of the petitioner that the land should only be used for school purpose and not for any other purpose. It appears that a resolution was adopted in 2016 for construction of a hospital / health centre on part of the vacant land of the school premises.

4.First of all, the petitioner has not disclosed the Deed of Gift or any other materials to substantiate the contention that the land was only to be used for the purpose of the school and no other purpose. The construction of a hospital / health centre is a public purpose. The construction of a hospital / health centre would benefit the students of the school, who would be get the services of the hospital / health centre, if required.

5.From the averments in the writ petition, it is patently clear that there are 3 acres and 5 cents of land, which is sufficient land for running a school along with a hospital / health centre.

6.For the reasons stated above and in particular, the absence of any documents to substantiate the contention of the petitioner that the land was only intended to be used for the school and not for any other public purpose, even if ancillary

and/or related to the object of running a school, our interference is not warranted.

7.The writ petition is, therefore, dismissed. No costs. Consequently, W.M.P.No.17757 of 2017 is also dismissed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sra

To

1. The District Collector,
O/o District Collector,
Tirupur District, Tirupur.
2. The District Educational Officer,
Tirupur District, Tirupur.
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- 8.The Village Administrative Officer,
Velliravelli Panchayath, Uthukuli
Taluk, Tirupur District.

+1cc to Government Pleader in sr.no.46395

+1cc to M/s.Pushpavalli, Advocate in sr.no.46096

W.P.No.16417 of 2017

NR 20/07/2017