

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017
CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
&
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.27174 OF 2017

Sirajudeen

... Petitioner

Vs.

1.Tamil Nadu Wakf Board,
Rep. by the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The District Collector,
Villupuram,
Villupuram District.

3.The Tahsildar,
Tashildar Office,
Kallakurichi,
Villupuram District.

...Respondents

Prayer:

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 & 3 to consider petitioner's community grievance and stop construction of school building in Survey Nos.12/1, 12/2 Shithalur Village, Kalakurichi Taluk, Villupuram District after accepting the alternative site available very nearer to this area.

For Petitioner : Mr.S.N.Subramani

For Respondent-1 : Mr.V.Lakshmi Narayanan

For Respondent-2 &3 : Mr.T.N.Rajagopalan
Government Pleader (I/C)

O R D E R

(Order of the Court was delivered by T.S.Sivagnanam, J.,)

Heard Mr.S.N.Subramani, the learned counsel appearing for the petitioner and Mr.V.Lakshmi Narayanan, the learned counsel for the first respondent and Mr.T.N.Rajagopalan, the learned Government Pleader for the respondents 2 and 3.

2. This Writ Petition has been filed as a Public Interest Litigation, praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to consider the petitioner's community grievance and to stop construction of a School building in the property, comprised in Survey Nos.12/1, 12/2 Shithalur Village, Kalakurichi Taluk, Villupuram District, after accepting the alternative site available very nearer to this area.

3. After elaborately hearing the learned counsel appearing for the petitioner and perusing the counter affidavit filed by the third respondent, we find that the School is being constructed in the Government Poramboke land. A part of the extent of the land, measuring to an extent of 0.81.0 hectares in Survey No.12/2 has been classified as 'Educational Department' and the land, comprised in Survey No.12/1, measuring to an extent of 6.42.5 hectares has been classified as 'Government Poramboke' (Mosque).

4. The learned counsel appearing for the petitioner would state that the School is being constructed in a burial ground. This statement has not been substantiated by documents. Furthermore, in the counter affidavit, in paragraph 7, it has been stated that there is a population of 6,000 people in Sithalur Village, and more than 500 students would be benefited on upgrading this School, and considering the welfare of the students, the District Collector/second respondent, vide proceedings dated 01.08.2017 has passed appropriate orders for transferring the land. In paragraph 6 of the counter affidavit, the third respondent has stated about the Peace Committee, which was convened on 05.07.2017, between two groups of people, and both the parties viz., 'A' Party and 'B' Party were given opportunity to the produce the relevant records, and finally, the District Collector has passed orders, transferring the land, vide order dated 01.08.2017. The said order has not been put to challenge by any of the parties.

5. Thus, we find that, there is no public interest involved in this Writ Petition, rather, public interest would be served, if the School is being constructed in the said land.

6. With the above observation, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msm/sd

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board, No.1,
Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

2.The District Collector,
Villupuram District.

3.The Tahsildar, Tashildar Office,
Kallakurichi, Villupuram District.

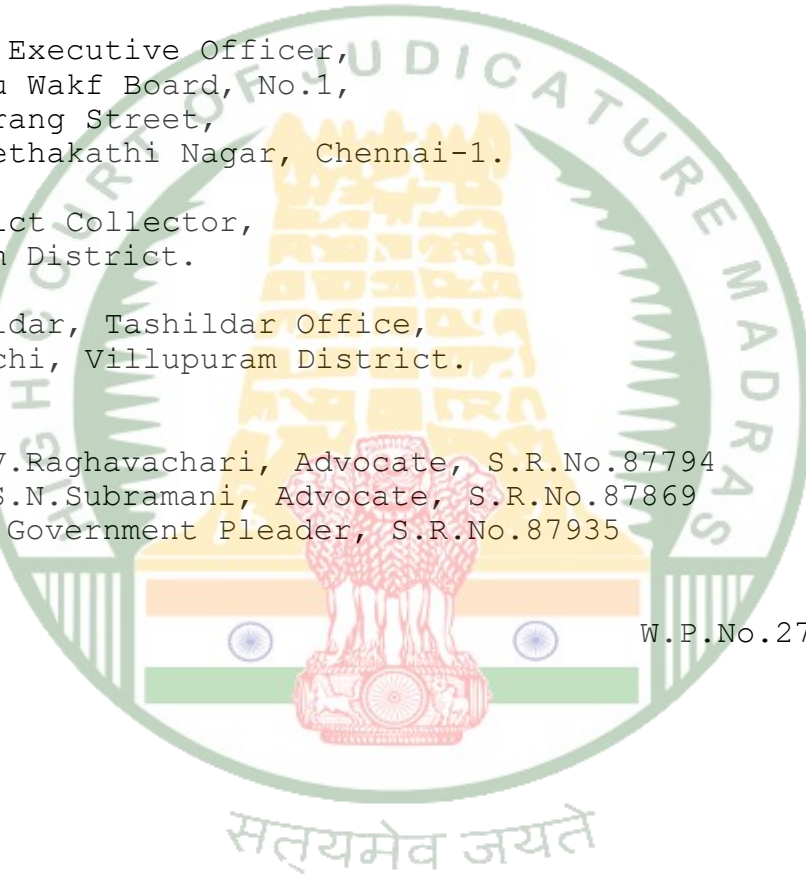
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.87794

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.87869

+1cc to the Government Pleader, S.R.No.87935

W.P.No.27174 of 2017

VGI (CO)
CS/02/01/18



WEB COPY