

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.41769 of 2016

and W.M.P.No.36234 of 2016

1.S.Gurunathan
2.Sabapathy Achari ... Petitioners

Vs

1.The District Collector,
Villupuram District.
2.Chief Educational Officer/
District Planning Organizer (RMSA),
Collector Office Campus,
Villupuram. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to construct a school at the site in land comprised in S.No.294/1 situated at Aariyur Village having an extent of 58.5 cents under the Scheme (RMSA) for providing education to all children without any further delay.

For Petitioners : Mr.S.Udhayakumar

For Respondents : Mr.OR.Maheswaran,
Government Advocate.

सत्यमेव जयते

O R D E R

This writ petition is filed for a mandamus, directing the respondents to construct a school at the site in land comprised in S.No.294/1 situate at Aariyur Village having an extent of 58.5 cents under the Scheme (RMSA) for providing education to all children without any further delay.

2. The learned counsel appearing for the petitioners would submit that the petitioners have donated their land to the Government, vide Gift Deed dated 02.02.2016 for the purpose of constructing a School in Aariyur Village. At the time of inspection, the respondents found that the said land is suitable

for constructing the School. But thereafter, they have taken a different stand that they are going to construct a school in Sanimedu village in the Government land. The learned counsel appearing for the petitioner would contend that in Sanimedu Village, already there is a school and therefore, putting up of another School in the said village is not required. Therefore, the petitioner came forward to file this writ petition for the above stated relief.

3. The respondents have filed a detailed counter. In the counter affidavit, it has been stated that there is a dispute between these two Village people, viz., Aariyur Village and Sanimedu Village. It is further stated that though the petitioners have given their land for the purpose of construction of school, to avoid complication, the respondents have decided to put up a school in Sanimedu Village in the Government Patta promboke land. In fact the said land is lying within 1km distance from Sanimedu Village and 1.3 km distance from Aariyur Village. Therefore, the construction of new school is no way affect the petitioners. The learned Government Advocate, appearing for the respondents has drawn the attention of this Court to the proceeding of the second respondent in Na.Ka.No.052/A2/AEKATHI/2016, dated 17.12.2016 and would submit that they have no objection for return back of the land, which was gifted by the petitioner for construction of school. In the counter affidavit they have also categorically stated that the petitioner can take back his land. It is further stated that since the construction work of the new school building at Sanimedu Village is under progress, there is no need for the construction of another school building at Aariyur Village.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. A perusal of the materials placed before this Court in the form of counter affidavit would clearly indicate that the petitioners have gifted their land for construction of school and since differences arose between the two villages viz., Aariyur Village and Sanimedu Village, they have decided to construct a school in between the two villages and they have no objection for returning back the land.

6. In the considered opinion of this Court, as the petitioners have gifted their land for construction of school, they cannot compel the respondents to construct the school in their land. It is also to be noted at this juncture, now the School is being constructed in the Government Poramboke land, which is in between the two villages viz., Aariyur Village and Sanimedu Village. Therefore, the petitioners cannot have any grievance for construction of school in the Government Poramboke land and they cannot compel the respondents to construct the

school in their land.

7. This Court, in the light of the materials placed before it and considering the points urged by the learned counsel appearing for the respondents, finds no merit and substance in the writ petition and therefore, the writ petition is dismissed. The petitioners are at liberty to get return back their land. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsm

To

1.The District Collector,
Villupuram District.

2.Chief Educational Officer/
District Planning Organizer (RMSA),
Collector Office Campus,
Villupuram.

+2ccs to The Government Pleader sr.221,219(1/3/2017)

+1cc to M/s.S.Udhayakumar,Advocate sr.35(1/3/2017)

W.P.No.41769 of 2016
and W.M.P.No.36234 of 2016

ppa (co)
ss (6/2/2017)

सत्यमेव जयते

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