



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.17288 of 2017

and

W.M.P (MD) No.13843 of 2017

R.Palaniyammal

: Petitioner

.vs.

1. The District Collector,
Karur District.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer,
Karur District.
4. The Revenue Divisional Officer,
Karur District.
5. The Superintending Engineer,
Public Works Department,
Trichy.

: Respondents

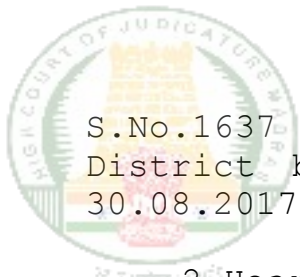
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the Respondents to construct the new buildings for Government High School, Karuppur in S.No.1637 in Uppidamangalam (East) Village, Karur Taluk and District based on the Representation of the Petitioner, dated 30.08.2017.

For Petitioner	: Mr.R.Amarnath
For Respondents	: Mr.T.R.Janarthanan, Additional Government Pleader

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the Respondents to construct new buildings for Government High School, Karuppur in



S.No.1637 in Uppidamangalam (East) Village, Karur Taluk and District based on the Representation of the Petitioner, dated 30.08.2017.

2. Heard both sides. No Counter-affidavit is filed on behalf of Respondent Nos.1 to 5.

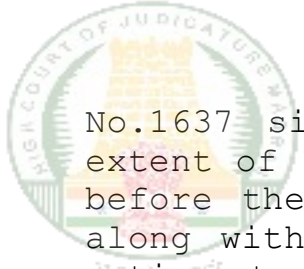
3. According to the Petitioner, Panchayat Union Middle School, Karuppur, Thanthoni Union, Karur District, is upgraded as Government High School from 19.12.2011. From the date of upgradation, it is functioning well, with the Classes 6 to 10. However, the facility of buildings is not sufficient. As such, there was a proposal to construct new buildings for the said Government High School, Karuppur.

4. The stand of the Petitioner is that students from Salapatti, Kundankatti, Meladai, Chinna Kinathuppatti, Paappirettiur, Raasagoundanur and Lakshmananpatti village, are mostly studying in Karuppur Government High School and they are the strength of the School. For constructing new buildings, it was suggested by the Revenue, Educational Department and the aforesaid village public that Salappatti Four Way Bus-stop ie., in Survey No.1637 in Uppidamangalam (East) Village, is the best place since the said site is situated in the center of the afore stated villages.

5. The further stand of the Petitioner is that 1.70 acres of poramboke land is available in Survey No.1637, which is very convenient for the Students, Teachers and others for an easy approach. When that be the factual situation, the Petitioner comes out with the plea that new steps are being taken by the Respondents to construct the additional school building for the Government High School, Karuppur, in a patta land at Karuppur, which is having only 1.20 acres. Earlier, it was decided by the Authorities to construct the buildings in Salappatti Four Way Bus-stop ie., in Survey No.1637 in Uppidamangalam (East) Village.

6. The grievance of the Petitioner is that if the patta land is acquired for the construction of school buildings, then, it will incur loss to the Government and the present place is very much congested and there is no transport facility at all. However, without considering the said facts, the Respondents for the reasons best known to them had suddenly took a proposal to construct the new buildings at Karuppur Village. Furthermore, the shifting of the place of construction is done based on political influence.

7. It is the case of the Petitioner that from the year 2011, the representatives of all the villages had approached the Respondents to construct new buildings for the Government High School, Karuppur in Salappatti Four Way Bus-stop ie., in Survey



No.1637 situated in Uppidamangalam (East) Village, measuring an extent of 1.70 acres. In fact, so many Representations were made before the Respondents and lastly, on 30.08.2017, the Petitioner along with public approached the Respondents to take appropriate action to construct the new buildings in the aforesaid site. However, no action has been taken so far and the Representations are all not considered. Hence, the Petitioner has filed the present Writ Petition.

8. Conversely, it is the submission of the Learned Additional Government Pleader for the Respondents that the building is constructed in Natham Survey No.1559/1 measuring 0.13.0 hectare in 0.14.0 hectare and that, the land is Natham Poramboke Land and for classifying the land, an advertisement was made and the First Respondent/District Collect, Karur District, on 20.01.2016 had accorded sanction for construction of school buildings for the Government High School, Karuppur and in fact, no objection was received from the public.

9. The Learned Additional Government Pleader for the Respondents proceeds to point out that the Panchayat Union Middle School, Karuppur, was upgraded in the year 2011 and the District Authority had decided to construct new buildings to accommodate students. Therefore, there is no violation in constructing the additional buildings and that the construction is on the way and in fact, the Petitioner to favour the Land Promoters has filed vexatious petition. In short, there is no element of 'Public Interest' involved in the present Writ Petition.

10. It transpires that the Village public of Salappatti, Kundankatti, Meladai, Chinna Kinathuppatti, Paapirettiur, Raasagoundanur and Lakshmananpatti, had addressed a representation/memorial to the Honourable Educational Minister, Chennai- 600 009, on 25.02.2014 in respect of choosing of a place for construction of High School buildings. Further, on 30.08.2017, R.Palaniyammal (in a representative capacity for the village public), had addressed a Representation to the Chief Secretary of the Tamil Nadu Government and three others, in connection with the choosing of place for the construction of School Buildings in respect of above said Government High School.

11. It is to be noted that Survey No.1637 in Uppidamangalam (East) Village, is situated far away at a distance of 2 kms. From the existing school building at Uppidamangalam (East) Village. As such, the present construction of the additional school buildings for the Government High School, Karuppur, is 400 metres away from the existing school building. Therefore, it is represented on behalf of the Respondents that the construction of additional school buildings for the Government High School, Karuppur, will be more beneficial to the students and that, the students and the public are not in any way affected. Furthermore, no prejudice



is caused to them in regard to the construction of additional school building for the Government High School, Karuppur.

12. Considering the fact that the Panchayat Union Middle School, Karuppur, Thanthoni Union, Karur District, was upgraded in the year 2011 and the District Authority decided to construct new building to accommodate students, also this Court taking note of the fact that there is no violation in constructing the additional building for the Government High School, Karuppur and the construction is very much on the way and also considering the other attendant facts and circumstances of the instant case, in a conspectus fashion, comes to an inevitable conclusion that there is no element of 'Public Interest' involved in the present Writ Petition.

13. Viewed in that perspective, this Court without going into the merits and contents of the matter, simpliciter, directs the First Respondent/District Collector, Karur District, to give quietus to the Representation of the Petitioner dated 30.08.2017, by giving suitable reply explaining the prevailing situation and the other ground realities to the Petitioner. Such an exercise shall be completed by the First Respondent/District Collector, Karur District, within a period of two weeks from the date of receipt of a copy of this order.

14. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer,
Karur District.
4. The Revenue Divisional Officer,
Karur District.



5. The Superintending Engineer,
Public Works Department,
Trichy.

+1cc to Spl.Government Pleader Sr.No.85956

+1cc to Mr.R.Amarnath , Advocate Sr.No.86018

PM

VB/SV/MMS/SAR4/16/11/2017/5P/8C

**ORDER MADE IN
W.P. (MD) No.17288 of 2017
07.11.2017**