



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.11.2017

CORAM :

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P (MD) No.19484 of 2017
and
W.M.P (MD) No.15788 of 2017

Shantha Moorthy

... Petitioner

vs.

1) State of Tamil Nadu represented by
The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
Secretariat,
Fort St.George, Chennai.

2) State of Tamil Nadu represented by
The Principal Secretary,
Revenue Department,
State of Tamil Nadu,
Secretariat,
Fort St.George, Chennai.

3) The Director of School Education,
Office of the Director of School Education,
DPI Complex, College Road,
Nungampakkam, Chennai.

4) The District Collector,
Office of the District Collector,
Madurai District.

5) The Chief Educational Officer,
Office of the Chief Educational Officer,
Thallakulam, Madurai District.

6) The District Educational Officer,
Melur Educational District,
Melur, Madurai District.

7) The Head Master,
Government Girls Higher Secondary School,
Othakadai at Ulaganeri,
Madurai District.



8) The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Melur at Y.Othakadai,
Madurai-625 107.

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9) The Superintending Engineer,
Public Works Department (Construction and Maintenance)
Madurai District. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.2917/2017/C date 25.09.2017 on the file of the respondent No.8 and consequential notification in column number 3 of the Tender Notice No.5SE/2017-18/Dt 03.10.2017 issued by the Respondent No.9 and quash the same as illegal, consequently to direct the Respondent Nos.4 and 8 to hand over the 0.71.48 hectares land in old Survey No.147/1B and new survey No.147/5 in Narasingam IV Bit village, Madurai East Taluk, Madurai District to the Government Girls Higher Secondary School, Othakadai at Ulaganeri, Madurai District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

(Order of this Court was made by
Hon'ble THE CHIEF JUSTICE)

This writ petition is directed against the diversion of a part of old Survey No.147/1B and New Survey No.147/5 in Narasingam IV Bit Village, Madurai East Taluk, Madurai District, earmarked for the Government Girls Higher Secondary School, Y.Othakadai at Ulaganeri, Madurai District.

2.It appears that the Government had allotted the said Old Survey No.147/1B corresponding to New Survey No.147/5 comprising 2 acres and 82 cents to Y.Othakadai Government Girls Higher Secondary School at Ulaganeri, Narasingam Panchayat, Madurai.

3.The petitioner is the President of the Parents'/Teachers' Association, Y.Othakadai Government Girls Higher Secondary School. According to the petitioner, Y.Othakadai Government Girls High School was inaugurated on 5th May 1997 and later upgraded as Higher Secondary School. About 1417 students are studying in the school. It is the only Government Girls Higher Secondary School functioning in the area. It appears that certain portions of the land allocated to the school had been encroached by private persons.



4. We have noted that there were also civil proceedings pertaining to the encroached land at the behest of the encroachers and orders were from time to time passed in their favour as well. In fact, an appeal was decided against the school and in favour of the encroachers.

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5. Be that as it may, Court orders would prevail and parties would have to abide by the Court orders. It appears that subsequently a Division Bench of this Court directed removal of the encroachers. There are now no encroachers. However, there is a proposal to utilise part of the land for construction of Revenue Divisional Office.

6. In our view, no such step could have been taken by the respondent authorities as it would contravene the orders of the Division Bench of this Court. May be, as contended by the respondents that Government land allocated for one purpose may be used for another in ordinary circumstances. However, the Division Bench orders of this Court have attained finality. There can be no question of diversion of the land for any other purpose. The land in question shall be restored for the purpose of the school.

7. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1) The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.

2) The Principal Secretary,
Revenue Department,
State of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.

3) The Director of School Education,
Office of the Director of School Education,
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Office of the District Collector,
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5)The Chief Educational Officer,
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Office of the Revenue Divisional Officer,
Melur at Y.Othakadai,
Madurai-625 107.

9)The Superintending Engineer,
Public Works Department (Construction and Maintenance)
Madurai District.

+1cc to Mr.R.ALAGUMANI,Advocate,SR.86212

+1cc to M/S.Special Government Pleader,SR. 86288

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BALA/SJ
KK/SKN RSK/SAR 1/16.11.2017/ 4P- 12C/