

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.23403 of 2016

R.Lakshmi

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Petitioner

Vs

1. The Secretary to Government
Education Department,
Government of Tamil Nadu,
St. George Fort, Chennai - 600 009.
2. The Director,
Directorate of School Education,
College Road, Chennai-600 006.
3. The Head Master,
Government Higher Secondary School,
Nandanam 1st Main Road, Nandanam,
Chennai - 600 035. Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 10.05.2016 and pass appropriate orders with in a stipulated time fixed by this Court.

For Petitioner : Mr.I.Jeyaseelan

For Respondents : Mrs.Annalakshmi,
Government Advocate

O R D E R

The petitioner would come forward with the present petition seeking mandamus for directing the first respondent to consider her representation dated 10.05.2016.

2. The petitioner claims that she is the successor in title of a piece of land which was originally located in R.S.No.3884/2. A portion of land in R.S.No.3884/274 was acquired by the Government, some time in 1974, and award too was passed on 27.02.1974. The land acquired was assigned R.S.No.3884/269 and the land that was left un-acquired was assigned R.S.No.3884/270.

According to the learned counsel for the petitioner, there was an acquisition of portion of land in R.S.No.3884/270 by the Highways Department, wherein after, the property in that survey number was sub-divided into R.S.Nos.3884/270A, 3884/270B and 3884/270C and thereafter R.S.No.3884/270A was converted into R.S.No.3884/274 and R.S.No.3884/270B was converted into R.S.No.3884/275. The Highways Department has acquired only S.No.2884/275. So far as the land acquired in R.S.No.3884/274 (correlated 3884/270A) is concerned, no compensation was paid to the petitioner as co-sharer.

3. According to the learned counsel for the petitioner the property covered in R.S.No.3884/274 has an extent of 4.4 grounds and that the third respondent/School has encroached into a portion thereof and hence she has approached the second respondent with a representation dated 10.05.2016. Since no action was initiated on the said representation, the petitioner is constrained to file present petition.

4. Mrs.Annalakshmi, learned Government Advocate appearing for the respondents has filed a counter affidavit. In paragraph nos.4 and 7 of the counter affidavit, the respondents have made a fair statement that no encroachment has been made in R.S.No.3884/274 or encroached it, and that the third respondent/School functions only in R.S.No.3884/269.

5. Since the respondents have made a statement that they have not acquired the land in R.S.No.3884/274, or encroached it, and that third respondent/ School functions only within the land in R.S.No.3884/269, nothing survives in this case. Hence the writ petition is closed. No costs.

-sd/-

Assistant Registrar

True Copy

सत्यमेव जयते

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Education Department,
Government of Tamil Nadu,
St. George Fort, Chennai - 600 009.

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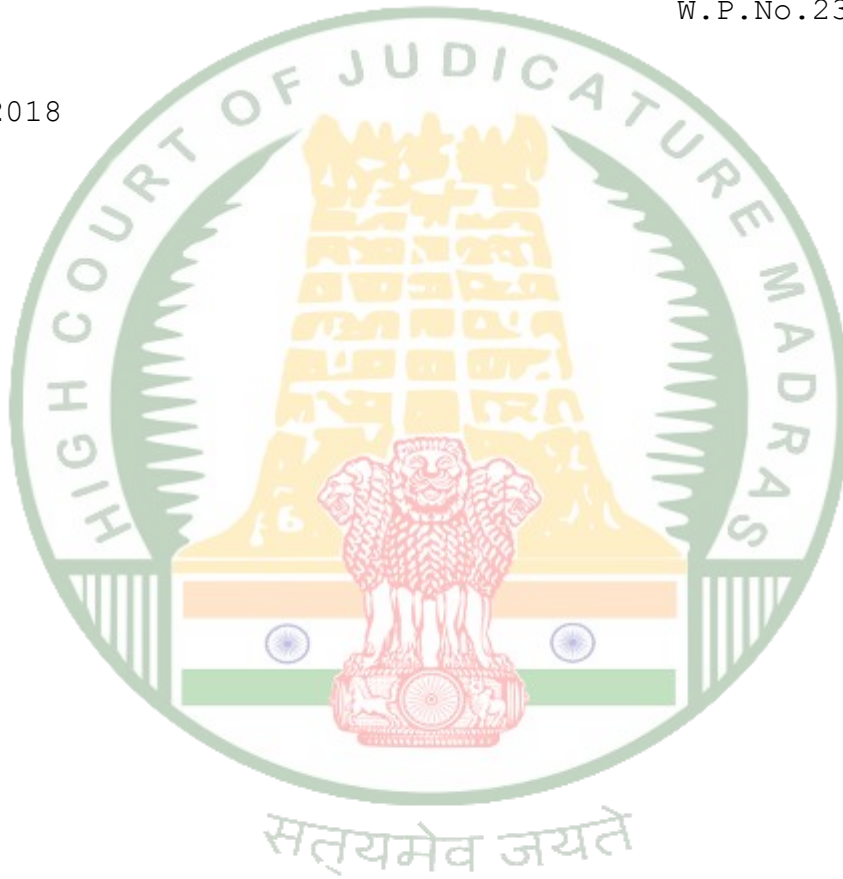
2. The Director,
Directorate of School Education,
College Road, Chennai-600 006.

+1 C.C. to M/S.I.Jeyaeelan Advocate SR.NO. 14308

+1 C.C. to The Government Pleader SR.NO. 14020

W.P.No.23403 of 2016

VS 22.03.2018



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